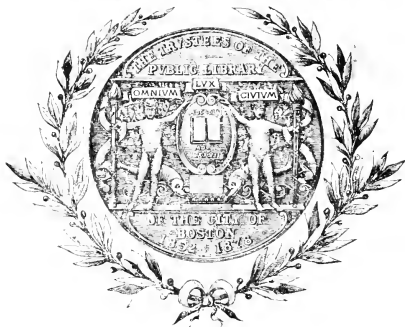




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**REPORT**

375-250

**INVESTIGATION OF IMPROPER ACTIVITIES IN THE  
LABOR OR MANAGEMENT FIELD**

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**HEARINGS**

**BEFORE THE**

**SELECT COMMITTEE**

**ON IMPROPER ACTIVITIES IN THE  
LABOR OR MANAGEMENT FIELD**

**EIGHTY-FIFTH CONGRESS**

**SECOND SESSION**

**PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS**

---

**MARCH 26, 27, 28, AND 29, 1958**

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**PART 25**

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**Printed for the use of the Select Committee on Improper Activities in the  
Labor or Management Field**





INVESTIGATION OF IMPROPER ACTIVITIES IN THE  
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UNITED STATES  
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12/19/59

25-28

**SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR  
MANAGEMENT FIELD**

**JOHN L. McCLELLAN**, Arkansas, *Chairman*  
**IRVING M. IVES**, New York, *Vice Chairman*

**JOHN F. KENNEDY**, Massachusetts  
**SAM J. ERVIN, JR.**, North Carolina  
**PAT McNAMARA**, Michigan

**KARL E. MUNDT**, South Dakota  
**BARRY GOLDWATER**, Arizona  
**CARL T. CURTIS**, Nebraska

**ROBERT F. KENNEDY**, *Chief Counsel*  
**RUTH YOUNG WATT**, *Chief Clerk*

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129. Article from the Detroit Free Press, May 24, 1950, "GM Contract Heralds Era of Industrial Peace"-----	9985	(*)
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130. Telegram to Herbert V. Kohler, President, Kohler Co. from Walter P. Reuther, President UAW-----	9998	(*)
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# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

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WEDNESDAY, MARCH 26, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The Select Committee met at 11:00 a. m., pursuant to S. Res. 221, agreed to January 29, 1958, in room 357, Senate Office Building, Senator John L. McClellan (Chairman of the Select Committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator John F. Kennedy, Democrat, Massachusetts; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, Chief Counsel; Jerome S. Adlerman, Assistant Chief Counsel; John J. McGovern, Assistant Counsel; and Ruth Young Watt, Chief Clerk.

(At the time of the reconvening, the following members are present: Senators McClellan, Goldwater, and Mundt.)

The CHAIRMAN. The committee will come to order.

Mr. James V. Constantine, come forward, please.

Do you solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you, God?

Mr. CONSTANTINE. I do.

## TESTIMONY OF JAMES V. CONSTANTINE, ACCOMPANIED BY LOUIS G. SILVERBERG

The CHAIRMAN. State your name, your place of residence, and your business, occupation or official position.

Mr. CONSTANTINE. James V. Constantine, 7039 Wilson Lane, Bethesda 14, Maryland; Solicitor, National Labor Relations Board, Washington, D. C.

The CHAIRMAN. How long have you held that position, Mr. Constantine?

Mr. CONSTANTINE. Since December 19, 1955.

The CHAIRMAN. Whom did you succeed?

Mr. CONSTANTINE. Acting Solicitor William Considine.

The CHAIRMAN. Of course you waive counsel, I assume.

Mr. CONSTANTINE. Yes, sir.

The CHAIRMAN. All right, Senator Mundt.

Senator MUNDT. I have worked out a series of questions I want to ask Mr. Constantine, Mr. Chairman. I have typed them up. I think it may be conducive to expediency if I can give a list of them to him at this time.

(The document was handed to the witness.)

Senator MUNDT. First of all, Mr. Constantine, describe the duties in the position that you hold.

Mr. CONSTANTINE. The solicitor is the chief legal adviser for the Board as a whole as distinguished from the individual board members, although the board members, as individuals, may and often do call for opinions from the solicitor.

In addition, he is a liaison officer between the Board and the general counsel, between the Board and the Executive agencies, between the Board and the public, between the Board and the legislative departments.

Senator MUNDT. Have you had any experience in the handling of NLRB secondary boycott cases?

Mr. CONSTANTINE. Yes, Senator. Prior to becoming solicitor I served several years in the secondary boycott section, which I think it is technically called the injunction and contempt section. It does other work besides secondary boycotts, but I have had experience as an attorney in the secondary boycott section.

Senator MUNDT. In that capacity, have you had any experience with NLRB settlement procedures?

Mr. CONSTANTINE. Yes, I have, Senator. Also, in subsequent capacities. That is to say the answer to your question is that I have had experience with NLRB settlements since I have been with the agency in whatever capacity I may have acted.

Senator MUNDT. Thank you, because my questions will go primarily to that phase of the NLRB activities.

On page 2374 of the transcript of the hearings, Mr. Rauh, the attorney for the UAW, referred to a "stipulated complaint," and explained it as, and I quote him, "a complaint that was written and agreed to between us," meaning the UAW and local 833 "and the labor board."

I would like to have from you what is a stipulated complaint and under what circumstances does the NLRB enter into an agreement with the respondent, whether employer or union as to the contents or allegations of such a complaint.

Mr. CONSTANTINE. I am not aware of any situation, Senator, where the parties, that is, the general counsel who prosecutes cases on behalf of the Board, and the respondents, bargain or agree as to the contents of a complaint. The issuance of a complaint is the sole responsibility of the general counsel, who, of course, acts through various officials called regional directors. A regional director is the man in charge of the particular office, and there are several regional offices. That responsibility, as far as I have been able to ascertain, is entirely the general counsel's, and once he or his representative ascertains that there is merit to the case, he, and only he, can decide that a complaint shall issue. The contents of a complaint, as I understand the procedure, is entirely the regional directors' responsibility as an employee of the general counsel.

Senator MUNDT. And is not subject to bargaining and negotiations?

Mr. CONSTANTINE. Not the complaint.



Senator MUNDT. Not the complaint. Now, will you explain what is meant by the term respondent to an NLRB proceeding?

Mr. CONSTANTINE. Yes, I would be glad to. But perhaps in order to understand that, it might be a good idea if I just briefly described our procedures, Senator. The statute provides that employers and unions shall refrain from engaging in certain conduct called "unfair labor practices." The Board may not, on its own initiative, enter into any proceeding to cause an employer or a union to stop engaging in unfair labor practices.

It may act only when some person outside of the board files what is known as a charge. The person against whom a charge has been filed is called the respondent, in board practice.

You might call him loosely a defendant in a civil proceeding.

Senator MUNDT. Thank you. That was my understanding of what the term meant, but I wanted to be sure.

On page 2374 of the transcript, Mr. Rauh refers to a "stipulated agreed-to proceeding" as not constituting an NLRB proceeding in the ordinary sense. What is a stipulated or agreed-to proceeding?

Mr. CONSTANTINE. I am not aware of any such proceeding. The proceeding as I have already explained to you, Senator, is entirely within the control of the general counsel, through his representative, who is the regional director. No one can stipulate as to how the general counsel shall proceed.

Senator MUNDT. Then you know of no such device or no such proceeding as a stipulated or agreed-to proceeding?

Mr. CONSTANTINE. Not that I know of, no, sir.

Senator MUNDT. It is one of the things that confused me somewhat by Mr. Rauh's testimony, and I wanted to get that from you.

Is a settlement agreement based on a stipulated record an NLRB proceeding in the ordinary sense?

Mr. CONSTANTINE. Yes, sir, in my opinion they are. That is to say, as I previously explained to you, a charge is first filed with the Board which initiates the machinery of investigation. If there is merit to the charge, the regional director will issue a complaint. After he has issued the complaint, the parties, of course, may talk to him about settlement of that complaint. If there is a settlement, they proceed to sign what is known as a stipulation agreement. If there is no settlement, the parties then go to a contested hearing. If the general counsel prevails in the contested hearing, the board will enter an order and that order is reviewed by an appropriate court of appeals, and, on review, it is enforced or not, depending on whether the court agrees with the Board or not. In a consent case, that is, where there is a stipulation as to the order, after a complaint has issued, the Board will issue precisely the same type of order, and that can be enforced, or usually is enforced by court of appeals.

They are both ordinary proceedings. One is just as common as the other.

Senator MUNDT. On page 2374, Mr. Rauh also stated,

As part of the consent agreement, a complaint would be issued.

Under what circumstances will the general counsel of the NLRB consent to an agreement with the respondent that a complaint will issue?

Mr. CONSTANTINE. I am not aware of any situation, Senator, in which the general counsel or his representative asks counsels or re-

spondent's counsel, counsel for respondents or respondents, as to whether they want a complaint to issue.

As I pointed out before, the complaint is the entire responsibility of the general counsel, either personally, or, which is far more frequent, through his designated representative, the regional director.

(At this point, Senator Curtis entered the hearing room.)

Senator MUNDT. I am glad to hear you say that, Mr. Constantine, because when Mr. Rauh said that I felt a little bit disturbed that the NLRB had become the victim of either the union or the company. If you had to rely on their consent to get anything done, and stipulated with them through negotiations as to what could be done, it seems to me that the power to enforce the law automatically is transferred to the respondents, whether it be union or company. I am glad to have you state here that the NLRB keeps control of an enforcement situation, which, as I understand it, is the summation of what you have just said.

Mr. CONSTANTINE. It keeps control of the proceedings.

Of course, after a complaint has issued, there is nothing to prevent the parties, not only as a result of our practices but also as a result of the Administrative Procedure Act, from discussing settlement. But the initiation of the proceedings and the issuance of the complaint are not the subject of bargaining between the general counsel and the parties, as I understand it.

Senator MUNDT. They are under the control of the NLRB?

Mr. CONSTANTINE. Yes. When you say NLRB, of course, there is a division between the NLRB and the general counsel by reason of the statute, so it would be more accurate to say under the control of the general counsel on behalf of the NLRB.

Senator MUNDT. Which, in this case is you? You are the general counsel?

Mr. CONSTANTINE. No, I am the solicitor.

The general counsel is an independent agency, you might call him, appointed by the President, by and with the advice and consent of the Senate.

Senator MUNDT. I understand. Further quoting Mr. Rauh on this same page, he says "The whole thing" meaning the settlement agreement "was stipulated to."

Is everything in a settlement agreement subject to stipulation?

Mr. CONSTANTINE. Not everything, Senator, no. The issuance of the complaint, as I think I already mentioned, is not the subject of stipulation. Whether a complaint shall issue and what shall go into it is the exclusive province of the general counsel as delegated to his regional director.

In a difficult case, it is not unusual for the regional director to submit a case to Washington for advice. There is a section in the general counsel's office known as the advice section, and they assist the general counsel in answering queries submitted from the regional offices.

Senator MUNDT. Who approves such stipulations for the NLRB, and under what circumstances? Is that the general counsel?

Mr. CONSTANTINE. The general counsel initially approves them, but the ultimate approval is for the National Labor Relations Board. They approve them if they feel that it is the kind of agreement which is consistent with Board policies and would effectuate the purposes of the act.

Senator MUNDT. On page 2376 of this same colloquy, Mr. Rauh refers to a complaint as, and I quote, "part of the overall settlement of this dispute."

Under what circumstances is a complaint part of an overall settlement of a dispute?

Mr. CONSTANTINE. I am not aware of any circumstances, again, Senator, where the substance or the contents or the allegations of a complaint is ever a matter for settlement.

Settlement, as I understand our Board procedure, is a matter which arises after the issuance of a complaint.

Senator MUNDT. Let me ask: Is a complaint in an NLRB proceeding ever part of a settlement?

Mr. CONSTANTINE. Well, it is incorporated into a settlement. I don't quite understand your question, Senator. That is, when a case is settled by a stipulation, called a settlement agreement, the parties agree as to what shall constitute the record so that the Board, when it comes to approve it, will know what to look at. Of course, in that stipulation, the complaint is included, not as something agreed to, but as something agreed to be part of the record.

There is that distinction.

Senator MUNDT. A little further on, Mr. Rauh said on page 2377, referring to the language of an NLRB cease and desist order, as being "In the language of Taft-Hartley." The language of the order to which Mr. Rauh referred, and which was read to him by me, prohibits picketing or in other manner including threats, violence, orders, directions, appeals, and so forth, inducing or encouraging employees of these companies to strike or to refuse to handle the products of the Kohler Co.

Is this language of the order the language of the order of the Taft-Hartley Act as Mr. Rauh told me?

Mr. CONSTANTINE. Most of it, Senator, is not. Let me go through it carefully and point out which is not. The word "picketing" is not.

Senator MUNDT. The word "picketing" is not in the Taft-Hartley?

Mr. CONSTANTINE. Before I do that, I assume from this here, and from an examination of the former file, that you are now referring to a secondary boycott. This is typical language in a secondary boycott order. If you are referring to all of Taft-Hartley, that is a different matter. But I don't think "picketing" is anywhere to be found in Taft-Hartley.

So my statement was correct. But I will confine my remarks to the secondary boycott section. The word "picketing" isn't in there.

"Threats," "violence," "orders," "directions" and "appeals" are not in there. "Induce or encourage employees"——

Senator MUNDT. That eliminates all except "Violence," I believe.

Mr. CONSTANTINE. "Violence" isn't in there either.

Senator MUNDT. "Violence" isn't there either?

Mr. CONSTANTINE. In the act. The act merely provides that unions shall not induce or encourage employees for certain purposes. The words "induce" or "encourage" as I see this question are in the act.

The Board and the courts have expanded or interpreted the words "induce" or "encourage" to include picketing and other means, but the words "picketing," "violence," "threats" and so forth are not to be found in the statute.

Senator MUNDT. They are not in the language of the Taft-Hartley, as I was informed.

Mr. CONSTANTINE. No, sir.

Senator MUNDT. Is it common to include the word "violence" in cease and desist orders of this type?

Mr. CONSTANTINE. Not very common. I have had a few cases, quite a few cases, and I don't recall ever having seen the word "violence" as an act proscribed, either by the Board or the courts, as one way of inducing or encouraging employees.

I would say it is not common, Senator.

Senator MUNDT. Let me ask you this: How does such order when stipulated or agreed to differ from an order entered into in a contested hearing? What is the difference between the orders?

Mr. CONSTANTINE. In substance, so far as enforceability is concerned, there is no difference.

In minor matters, there is a difference. One of them is that in a contested case the Board makes findings of fact on evidence or on stipulated evidence, either oral evidence or stipulated evidence. Parties often stipulate what the evidence is and then let the Board make its decision in a contested case.

In an uncontested case, there is no occasion for the Board to make very many findings of fact because the parties don't stipulate to many facts.

However, it is indispensable that at least evidence or facts be stipulated with respect to the jurisdiction of the Board. We call that facts relating to the commerce of the employers involved. If no commerce is involved or no industry in commerce or industry whose operations affect commerce is involved, the Board would not have jurisdiction under the Act.

Senator MUNDT. As to enforceability, I think there isn't much difference?

Mr. CONSTANTINE. There is no difference at all. You could be just as much in contempt of a court order based upon a stipulated record as you would be on a court order after a bitterly contested hearing.

Senator MUNDT. On page 2378 Mr. Rauh referred to a stipulated decree. Is it correct to refer to such a decree as stipulated?

Mr. CONSTANTINE. Yes, I think so. I think so. It is more common to call it a consent decree, but it is correct to refer to it as a stipulated decree.

Senator MUNDT. Consent decree or stipulated decree can be used interchangeably?

Mr. CONSTANTINE. Yes.

Senator MUNDT. On 2378, Mr. Rauh refers to a petition of the United State Court of Appeals for enforcement of the NLRB order as a "stipulated petition." Can parties stipulate as to the contents of a petition filed in a court of appeals for enforcement of an NLRB order?

In other words, what control does a respondent, whether an employer or a union, ever have over an NLRB petition for enforcement of its order in the courts?

Mr. CONSTANTINE. Well, I don't believe, from what I know of our practice, that respondent has any control over the contents of the petition.

That is entirely the responsibility of the Board. The Board has delegated that to the general counsel, but, nevertheless, it is our responsibility, as I understand it, and we have a section which prepares those petitions. I am not aware that that section discusses the contents of a petition with anyone other than the Board or the general counsel.

Senator MUNDT. Mr. Rauh refers to a stipulated enforcement decree as perfectly enforceable. That is correct, is it not?

Mr. CONSTANTINE. Yes. That is the same as the stipulated decree you referred to a while ago, or a consent decree. I assume by enforceable you mean enforceable in a court of appeals, because it also is enforceable in the sense that the Board may enter an order based upon it, but our orders are not self-enforcing, and if the parties don't want to comply with them we are compelled to obtain enforcement by a court of appeals.

It is perfectly enforceable in the court of appeals. That statement is correct; yes, sir.

Senator MUNDT. On pages 2379 and 2380, as I was continuing this discussion with Mr. Rauh, he said, and I quote Mr. Rauh again, "A stipulated order, written with the labor board and the union together, pointing out that the union should not violate the Taft-Hartley." To what extent do respondents who are, for all practical purposes, you have said, defendants in a legal sense in NLRB unfair labor proceedings, to what extent do respondents participate in the writings of the orders of the Board?

Mr. CONSTANTINE. I am not aware that they do any of the writing of the orders. That is the function of the regional office. Of course, when they issue a complaint in the regional office, a respondent may indicate to what extent he would be willing to settle the case, and if that is acceptable to the regional office, the regional office, of course, can put that into the stipulated record. But I am not aware that the order is written by the respondent. That is entirely the responsibility of the regional office, subject to review by the National Labor Relations Board.

Senator MUNDT. Now I want to swing over, Mr. Constantine, to the particular letter that the chairman wrote you about the case known in NLRB files as No. 13 CC 110. In his letter, and the chairman was kind enough to supply me with a copy of it, he asked that you familiarize yourself with that file, if you were not already familiar with it, or that the chairman send somebody here who was familiar with that case.

Are you familiar with the NLRB case known as 13 CC 110?

Mr. CONSTANTINE. As a result—

The CHAIRMAN. Let a copy of that letter be printed in the record at this point.

Senator MUNDT. Do NLRB orders merely "point out", in view of Mr. Rauh's quotation, that respondents should not violate the Taft-Hartley Act?

Mr. CONSTANTINE. Board orders? They do more than that, Senator. They are the equivalent of what you would call a mandatory injunction in equity practice. They command that the respondent, whether he be an employer or a union, cease and desist from engaging in certain conduct. That is what we call the negative part of the order. And if there is anything to be done in addition to that, then they also com-

mand that the respondent, whether an employer or the union, do the affirmative part. The typical case against an employer of an affirmative order would be requiring employer to reinstate an employee who has been illegally discharged.

Senator MUNDT. The word "require", it seems to me, would be more appropriate than "point out."

Mr. CONSTANTINE. Yes: I think that is a fair statement, Senator.

Senator MUNDT. How does such a stipulated order differ from any other order of the NLRB? Are they all the same?

Mr. CONSTANTINE. Except for the fact that in contested cases the Board makes more findings of fact there is no difference. Certainly there is no difference from the point of view of a court of appeals which comes to review those for enforcement purposes.

MARCH 20, 1958.

HON. BOYD LEEDOM,

*Chairman, The National Labor Relations Board,  
Federal Security Building South,  
Washington, D. C.*

DEAR JUDGE LEEDOM: The Select Committee on Improper Activities in the Labor or Management Field has asked me to invite you or a qualified representative from your agency, designated by you, to appear before that committee and give testimony in connection with a case decided by the National Labor Relations Board.

The case the committee has reference to is NLRB case No. 13-CC-110 and the decision of the Board as reported in 116 NLRB 267.

The committee would like for you or your designated representative to bring along the public records and documents from your files in that case. The committee might be interested in asking some questions in connection with those records.

The committee would deeply appreciate your cooperation in this matter, and if you would let me know if this invitation is acceptable to you, we shall advise you of the time for your appearance.

Sincerely yours,

JOHN L. McCLELLAN,  
*Chairman.*

Senator MUNDT. What was your answer?

Mr. CONSTANTINE. Yes. I was directed to familiarize myself with it by the Chairman of our Board, who had received a letter from the chairman of your committee, Senator.

Senator MUNDT. Have you brought with you the official file of the NLRB containing the public record in this case?

Mr. CONSTANTINE. Yes, sir; right here.

Senator MUNDT. Have you examined the documents in that file and are you familiar with their contents and significance?

Mr. CONSTANTINE. I have examined them. I would say I am fairly familiar with them.

Senator MUNDT. Who were the respondents, the so-called defendants, in that case?

Mr. CONSTANTINE. There were several, Senator. May I look at the file to tell you? I can't remember all of them.

Senator MUNDT. Surely.

Mr. CONSTANTINE. Originally there was a charge against several, but they didn't include them in the complaint because there was an amended complaint. Do you want that original charge? There was no proceeding taken under that, but, rather, the amended charge.

The parties are, the respondents are, as the case finally ended up, after the amended charge: Local 833, UAW-CIO.

Senator MUNDT. Local 833?

MR. CONSTANTINE. 833, UAW-CIO. That is one party. International union, United Automobile, Aircraft & Agricultural Implement Workers of America, UAW-CIO, that is a second party. Local 2, American Federation of State, County & Municipal Employees, AFL. I think that is now AFL-CIO as a result of the merger between the AFL and CIO. But at that time it was just the AFL. That is a third party. Milwaukee County District Council No. 48, AFL. That is a fourth party, or a fourth respondent. And Local 139, International Union of Operating Engineers, AFL. That is the fifth respondent. There are five respondents, to answer your question, Senator.

Senator MUNDT. Thank you.

Is it true that the term "respondents" in an NLRB proceeding refers to the parties who have been charged with violating the Taft-Hartley Act? Is that a proper interpretation of the term?

MR. CONSTANTINE. Yes; and it may refer either to an employer or to a labor organization, which we loosely call the union.

Senator MUNDT. Whoever is being charged with violating the act becomes known in your terminology as the respondent?

MR. CONSTANTINE. Yes, sir.

Senator MUNDT. So these five were the respondents in the instant case?

MR. CONSTANTINE. In the case you referred to as 13 CC 110.

Senator MUNDT. What were respondents charged with in the complaint of this case?

(At this point, Senator Curtis withdrew from the hearing room.)

MR. CONSTANTINE. I would like to refer to the UAW International as the UAW and Local 833 as Local 833 without giving their full designation. The complaint alleges that UAW and Local 833 on July 5, 1955, engaged in mass picketing at the entrance to the dock where a vessel, known as *J. S. Fossum*, was berthed.

Senator MUNDT. Mass picketing?

MR. CONSTANTINE. I am sorry?

Senator MUNDT. Mass picketing?

MR. CONSTANTINE. Mass picketing. And by said picketing and by other conduct, including threats, violence, orders, directions, instructions, and appeals, engaged in and induced or encouraged the employees of Buteyn and of other employers to engage in strikes or concerted refusals in the course of their employment, to use, manufacture, process, transport, or otherwise handle or work on goods, articles, materials, or commodities, or to perform services with an objective of forcing or requiring Paper Makers, Hammel, that would be Hammel & Gillespie, and Buteyn, or other employers or persons to cease using, selling, handling, transporting, or otherwise dealing in the products of Kohler, or to cease doing business with Kohler and with other employers.

I could summarize that for you in lay language, Senator, by meaning that on or about July 5, 1955, respondents UAW and Local 833 engaged in secondary boycott against Kohler by mass picketing and by threats, violence, orders, directions, instructions, and appeals.

Senator MUNDT. Thank you very much.

MR. CONSTANTINE. I haven't finished.

Senator MUNDT. I know. That is the first two.

MR. CONSTANTINE. On or about July 7, 1954—that conduct is alleged to have occurred at the entrance to the dock in Sheboygan, I don't think I mentioned that, Sheboygan, Wis.

It then says that as a result of this conduct the ship was unable to unload at Sheboygan and proceeded to Milwaukee. That is merely descriptive. It is not a violation. The next alleged violation by UAW and Local 833 is that on or about July 7, 1955, upon the arrival of the *Fossum* at the port of Milwaukee, UAW and Local 833 picketed the entrances to the said port, and that is alleged to constitute a secondary boycott at Milwaukee, Wis.

(At this point, Senator McClellan withdrew from the hearing room.)

SENATOR MUNDT. The first was Sheboygan and the second one was Milwaukee?

MR. CONSTANTINE. Yes. There is no allegation of violence with respect to the picketing at Milwaukee. There is as to Sheboygan. That is all I see with respect to July 5 and July 7.

Now, still staying with Local 833 and the UAW, there is a further allegation that on or about July 25, 1955, UAW and Local 833 picketed the tracks, right-of-way, freight trains, and other facilities, of CNW, Chicago & Northwestern, in and near Sheboygan, Wis., with banners reading "This freight is for strike-bound Kohler Company."

That is all that I find here.

SENATOR MUNDT. Those are the three different areas of the case?

MR. CONSTANTINE. Yes, as to UAW and Local 833. The other respondents are charged as follows: And that would be the operating engineers, the Milwaukee District Council, and the Municipal Employees Union.

On or about July 7, 1955, Local 2, Council No. 48, and Local 139, who represent the employees of the city of Milwaukee, engaged in, and, by orders, directions, instructions, and appeals, induced or encouraged the employees of the city of Milwaukee and of other employers to engage in strikes or concerted refusals in the course of their employment, to use, manufacture, process, transport, or otherwise handle or work on goods, articles, materials, or commodities, or to perform services with an object of forcing or requiring the city of Milwaukee, Wis., and other employers or persons, to cease using, selling, handling, transporting, or otherwise dealing in the products of Kohler, or to cease doing business with Kohler and with other employers.

Again, I can put that in lay language which would be substantially accurate, perhaps 99.99 accurate, that local 2, Council No. 48, and Local No. 139 are alleged to have engaged in a secondary boycott at the port facilities of the city of Milwaukee against Kohler by orders, directions, instructions, and appeals.

(At this point, Senator McClellan entered the hearing room.)

MR. CONSTANTINE. It does not allege that they engaged in picketing as one act of the secondary boycott.

SENATOR MUNDT. What does the General Counsel of the NLRB do before he issues a complaint of this type alleging the Commission of an unfair labor practice in violation of the Taft-Hartley Act?

MR. CONSTANTINE. Not only a complaint of this type, Senator, but any complaint does not issue until a thorough investigation has been made of the allegations in a charge.



You will recall I said that the Board cannot act until a charge has been filed by some one.

Senator MUNDT. As I understand it, then, a charge is lodged against a company or against a union, and then the NLRB makes a thorough investigation of the facts, and, based on those facts, makes a finding of an illegal act or fails to make a finding of an illegal act, whichever way the facts indicate?

Mr. CONSTANTINE. Well, I wouldn't say they make a finding. They decide that if there is enough evidence of illegal conduct, they will issue a complaint so that the Board can have the case before it.

The General Counsel, you might compare to the prosecutor.

Senator MUNDT. I understand. But was the entire complaint contested in this case?

Mr. CONSTANTINE. Not the entire complaint; no, Senator. Some of it was.

Senator MUNDT. What part of the complaint actually was contested?

Mr. CONSTANTINE. The part that I just read to you with respect to Local 2, Council No. 48, and Local 139. That is, the State and employees union, Council No. 48, and Local No. 139, which is of the Operating Engineers.

Senator MUNDT. The part of the complaint alleging unfair practices against Local 833 and against the UAW was not contested?

Mr. CONSTANTINE. It was settled. It was contested in the sense that a settlement constitutes a contest. They didn't let the case go by default. But there was no formal hearing. It was not contested. It was settled.

Senator MUNDT. It was not contested, it was settled. On page 2383, Mr. Rauh testified that the NLRB decided in the contested part of the case that the railroad and municipal employees are not employees within the meaning of the secondary boycott of the Taft-Hartley Act, and, consequently, that was not pursued further. Is that correct?

Mr. CONSTANTINE. I have the question before me. May I look at it, Senator, please?

Senator MUNDT. Yes, you may.

Mr. CONSTANTINE. That is substantially correct. Actually, there were no railroad employees involved with respect to the contested part. But the statement is correct.

Senator MUNDT. In substance, it is correct?

Mr. CONSTANTINE. Yes; that in the contested part, the Board did so decide.

Senator MUNDT. On page 2381, Mr. Rauh said,

The Kohler Co. has never suggested that we were violating the law.

Is the Kohler Co.—I am sorry. I jumped to page 5. I should still be on page 4.

Let me ask you: What part of the case was settled instead of being contested? That was just the part relating to what?

Mr. CONSTANTINE. The part relating to the UAW and Local 833. That part was settled.

Senator MUNDT. That part was settled.

On page 2380, Mr. Rauh stated

It is perfectly clear that we,  
meaning the UAW,

it is perfectly clear that we agreed to something that we wouldn't have had to.

Does the NLRB decision in the contested part of this case support that statement by Mr. Raulh?

That is on page 4 of the series of questions that I handed you.

Mr. CONSTANTINE. Well, that involves a question of law, Senator. I want to answer the question, and I shall, but I would like to point out that anything I say on questions of law, of course, is my own personal opinion, and I have no authority to commit the Board. The statement is: It is perfectly clear that we agreed to something that we wouldn't have had to.

That depends on whether the Board decision or the court decision is the one you want to go by. The Board in the contested part decided that with respect to employees of dockworkers, you couldn't have a secondary boycott, and to the extent that the stipulated record or the consent includes that, he is correct. But the consent or the stipulated record, as I read it, includes also conduct at Sheboygan.

That conduct, according to the allegations of the complaint, in my opinion, is as classical or as typical of secondary boycott as you can find.

Senator MUNDT. At Sheboygan?

Mr. CONSTANTINE. At Sheboygan.

Senator MUNDT. Let me see if I understand that now. I believe that you have said that the union's conduct at the Sheboygan dock—

Mr. CONSTANTINE. As alleged in the complaint. I don't know if that is true or not, Senator. I am going by the allegations of the complaint.

Senator MUNDT. The union's conduct at the Sheboygan dock, as as alleged in the complaint, in preventing the employees of the Buteyn Construction Co. from unloading the ship carrying the clay to the Kohler Co. wasn't in any way exonerated or excused, either in fact or in law, in the contested part of the case which the NLRB decided in favor of the three unions which are not affiliated with the UAW. Is that correct?

Mr. CONSTANTINE. I think so. To put it differently, Senator, and this is strictly my opinion: If that part of the allegation of the complaint had been established in the contested hearing so that there had been no settlement, I honestly believe, and I have no doubt in fact, that the Board would have found a secondary boycott with respect to that, and I know of no court decisions which would have overruled the Board.

I think that is a typical classical case of a secondary boycott. Now with respect to the other finding of the Board, the Board goes one way and the only courts that I know of go the other.

There is room for argument either way. I express no opinion as to which view is correct. As Solicitor, I am bound by Board decisions.

Senator MUNDT. Does this decision in favor of the three unions in any way at all diminish the validity or the effectiveness of the Board's case and its cease-and-desist order and the consent decree of the court with respect to the Buteyn Co. and other employers, as that term is defined in the Taft-Hartley Act?

Mr. CONSTANTINE. I don't think so, Senator. Or to put it differently, if the part relating to Buteyn in the settlement had been contested, the Board would have entered an order finding a violation and still would have dismissed the other part, which it ultimately did dismiss.

So I do not read the decision of the Board in the contested case, which is in 116 NLRB, as in any way affecting the settlement if the settlement were to be reopened today and reexamined.

Senator MUNDT. Let me ask it this way: In your opinion, is there any decision of the NLRB or the courts which would legalize the conduct of the UAW at the Sheboygan dock as set forth in the NLRB complaint in this case?

Mr. CONSTANTINE. I am not familiar with any, and I doubt if there is any. I am quite sure that that conduct, as alleged in the complaint, states a cause of action, to put it in the language of private practice.

Senator MUNDT. Isn't it correct, Mr. Constantine, that provisions of this consent decree are so broad and so sweeping that they prohibit the UAW from engaging in any secondary boycott any place, any time, not only against the Buteyn Co. but against any employer doing business with the Kohler Co.?

Mr. CONSTANTINE. May I look at the decree, Senator?

Senator MUNDT. You may.

Mr. CONSTANTINE. I think I can answer you better by knowing the precise terms of it. The answer to your question is that it is so worded, yes.

It proscribes in lay language a secondary boycott against the Kohler Co. anywhere in the country.

Technically it forbids any picketing of any employer. Or in any other manner inducing or encouraging employees by threats, violence, orders, directions, instructions, or appeals, engaging in a strike or inducing or encouraging the employees of any employer to engage in a strike except at Kohler.

Senator MUNDT. Except at Kohler?

Mr. CONSTANTINE. There is nothing in the act that prevents the union from picketing and striking at Kohler.

Senator MUNDT. It wouldn't be construed as a secondary boycott at Kohler.

Mr. CONSTANTINE. If there is anything illegal about it, it would have to be because it violated some other provision of the act. But the strike itself without more, or picketing without more, is lawful, so long as it is confined to the premises of the Kohler Co.

Senator MUNDT. On page 2380, Mr. Rauh said this, and I will quote him:

The decisions of the courts, since the time we agreed to this stipulation, have indicated that we are not in violation, and in fact, we wouldn't have had to agree to it.

I would like to ask you, sir, what court decisions are there, either before or since September 1955, the date referred to by Mr. Rauh, which would sustain that statement?

Mr. CONSTANTINE. Senator, I am not aware of any. There are very few decisions on the subject. They just don't agree with the Board. However, I would like to point out that there are three groups of decisions, because in the secondary boycott there are three parts

which involve the interpretation of the word "employee." The Board has not interpreted the word "employee" the same in each part. In order to have a secondary boycott, you have to have, first, a union or a labor organization; second, the union must engage in a strike or induce or encourage employees to engage in a strike; and, third, an object of the conduct must be to force or require one employer to cease doing business with another employer or person.

Now, let's take the first part, Senator, as to what constitutes a labor organization. You can't have a labor organization unless at least some of the members are real honest-to-goodness employees as defined in our act. So if you have a union whose members are all agricultural employees or all city employees or all railroad employees, the Board has taken a position that that is not a labor organization.

I only know of one court decision on that, and that is the District of Columbia Court. It went along with the Board on that. I think that is the DiGiorgio case.

The next is to induce or encourage employees of any employer to engage in a strike.

Again you have the question of what constitutes employees. The Board has taken the position that employees of a railroad or of a farmer or of a municipal corporation are not employees within the meaning of the act. That is why they decided in the contested part of this case that there was no violation at the dock in Milwaukee because employees induced there were employees of the city of Milwaukee.

I know of no court decision that supports the Board. The only ones, and they are very few, hold that you can find a secondary boycott. Those cases are from the Fifth Circuit.

Senator MUNDT. That you can find?

Mr. CONSTANTINE. You can.

Senator MUNDT. In other words, in those cases, the court is more severe or more strict than the Board in their interpretation?

Mr. CONSTANTINE. I don't know whether you would call it more strict or more severe. They just disagree with the Board's interpretation of the act.

Senator MUNDT. They are more embracing.

Mr. CONSTANTINE. Yes; I think that would be a little more accurate. The third part of it is where an object of this conduct is to force or require one employer to cease doing business with another employer or person.

Again you have this problem, because you might have a perfectly lawful labor organization, I mean a perfect labor organization, under our act, inducing, without doubt, employees, but you would have a problem as to whether an object was to have an employer to cease doing business with another employer where the Government is involved.

At first, in that type of case, the Board took the position that the Government, any government, whether it is the Federal Government or State government or subdivision of the State government, was not an employer or person, so that although you had the first two elements of a union engaging in a strike or picketing a secondary employer, you did not have the third element or requirement of one employer ceasing doing business with another. I think that is the Schneider case.

Later on, the Board was asked to reexamine it by General Counsel Bott, and the Board adhered to its original position.

More recently, however, it was again asked to reexamine it, and the Board, as of that date, took the position that a Government, whether the United States Government or a State government or municipality, could be an employer or person within the third segments, but not the first two segments.

Senator MUNDT. The third category is not involved in the case we are now discussing.

Mr. CONSTANTINE. No; nor is the first one. As I read it, it is the second one. That is, there is no question of the labor organization. No one made an issue of that, as I recall. The question was whether they induced or encouraged employees within the meaning of the act.

Senator MUNDT. That takes care of the court proceedings.

Is there any support in the NLRB decision for the statement of Mr. Rauh, that decisions of the Board had indicated that they were not in any violation?

Is there any support in the NLRB decisions for the statement of Mr. Rauh on the UAW activities directed against the Buteyn Bros. or any other employer as defined in the Taft-Hartley Act?

Mr. CONSTANTINE. As I read the allegations of the complaint, Buteyn is an employer. It is not a Government corporation, nor is it a government.

Senator MUNDT. It is a construction company.

Mr. CONSTANTINE. Nor is it a railroad nor is it a farmer, who, by the act, are excluded from the definition of employer. The complaint also alleges, without identifying, "or any other employer," meaning that there were other employers unidentified whose employees were induced.

So the answer to your question, Senator, is that with respect to Buteyn, and anyone who is admittedly an employer, the settlement would stand today, even if they had reopened it and contested it, as I see it.

Senator MUNDT. On page 2381, Mr. Rauh said, and I will quote him:

The Kohler Co. has never suggested that we are violating the law.

Mr. Constantine, is the Kohler Co. the only party or person who has a right to make a suggestion of that kind?

Mr. CONSTANTINE. No, Senator; but I don't quite understand from Mr. Rauh's statement when he says, "Has never suggested that we are violating the law," at what stage of the proceeding he is talking about.

A charge may be filed by anybody. Certainly, the victim of the secondary boycott is not the only one who may suggest or file a charge. For example, in this particular case here, it was not Kohler but it was someone else who filed the charge. Kohler could have if it had wanted to.

Later on, after the decree had been entered by the court of appeals pursuant to the stipulated record or consent agreement, anyone, I suppose, may come in and tell the Board that the decree is being violated, and the Board would then investigate it if it thought that it was worthy of investigation. So the answer to your question is Kohler is not the only party or person who has a right to so suggest.

I suppose anyone can, and we often do have people come in telling us that there is a violation.

Senator MUNDT. It would seem that way to me, from your description of the way that the Board under the law operates. It wouldn't be limited to Kohler.

Mr. CONSTANTINE. Anyone can file a charge.

Senator MUNDT. On 2387, Mr. Rauh stated:

The law as it exists today would have supported us if we had decided to fight this order.

As I gathered from your earlier statements, that statement by Mr. Rauh was unsupportable. I would like to have your opinion on that.

Mr. CONSTANTINE. I would like to break that down, Senator, because it comprehends more than just one part of the decree. I assume it comprehends the whole decree. When he says the law as it exists today, if he is referring to court decisions, I know of no court decision that would support him. If he is referring to Board decisions, the Board decision supports him with respect to the Milwaukee incident, but they do not support him with respect to the Sheboygan incident.

There is one more thing I would like to say. With respect to the Chicago & North Western incident, the Board decisions would support him, but the court decisions would not because the Fifth Circuit has not accepted the Board's interpretation of the words "railway employee." Have I answered that?

(At this point, Senator Curtis entered the hearing room.)

Senator MUNDT. Yes.

On page 2386, Mr. Rauh said, and I will quote, "we," meaning the UAW, "stipulated we would not do it, even though the courts of appeals have held that we could."

I would like to have from your records or from your knowledge what courts of appeals support Mr. Rauh's assertion that they could if they wanted to.

Mr. CONSTANTINE. I am not quite sure what he means by the word "it."

The quotation reads, "We stipulated we would not do it". I assume he refers to the allegations of the complaint, to the extent that they affect the UAW and 833. On that basis, Senator—

Senator MUNDT. I can maybe make that clearer by pointing out that Mr. Rauh is the attorney for the UAW. So he probably would be speaking for them rather than municipal employees or railroad employees, or people who are not employed there.

Mr. CONSTANTINE. I assume he means that, because the word "stipulated" could only refer to the record that I am familiar with it. I am not aware of any courts of appeal decisions that would support him except the DiGiorgio case.

And that does not precisely involve the conduct now under consideration, as alleged in the complaint.

If there are any, I just don't know them.

Senator MUNDT. To the best of your knowledge, at least, you can say that there are, at least, no court of appeals opinions?

Mr. CONSTANTINE. Yes; that is it, Senator. I don't know of any, and I don't think there are any.

Senator MUNDT. In these hearings, Mr. Rauh has repeatedly emphasized that the stipulation in the uncontested part of the case expressly

provided that the UAW did not admit any guilt, and that the stipulation was not to be admitted as evidence in other proceedings.

Does this necessarily differentiate this consent order from NLRB orders in contested cases?

Mr. CONSTANTINE. No, Senator. It is not unusual in settlement cases to have a provision that the party, respondent, does not admit by the settlement any guilt, and it is not unusual to provide that it shall not be admitted as evidence in any other proceeding.

But that, in my judgment, doesn't differentiate it from any other NLRB order in a contested case. The Board's order, if enforced by the court of appeals, is just as outstanding as any other order.

Senator MUNDT. Is it not true that even in many contested cases decided after a full hearing, where the Board requires the respondent to post a notice that he will not commit any of the prohibited unlawful acts, the courts do not permit the Board to require the offending party to admit guilt in the notice?

Mr. CONSTANTINE. That is true. There are not many cases on that. But in the early days of the act the courts would not require that an employer—they were mostly employer cases—who was under an order of the Board to post a notice stating that he would cease and desist from engaging in certain conduct, was not required in that notice to say that he admitted that he violated the law or admit guilt.

The no-posting requirements of the act, or, to be more exact, of the Board's decisions, because I don't think the act provides for that, the Board has provided for it and the courts have upheld us on it, are a provision designed to require an employer or a union to post a notice that he will refrain from this particular type of conduct, so as to give all employees notice that he will not engage in it.

Senator MUNDT. If a respondent fails to comply with the consent decree in a settlement case, does his position differ significantly from a respondent who disobeys a decree in a contested case?

Mr. CONSTANTINE. No. No, Senator, the same principles in determining whether the respondent is in contempt are applicable to both cases. We have had cases where a respondent, whether an employer or a union, have failed to comply with a consent decree, or stipulated decree, as you referred to it a while ago, and in determining whether the conduct called to our attention constituted contempt there was no different principle involved.

Senator MUNDT. Let me ask you a question rather hypothetical in nature. Let us assume that a mythical company, let us say the XYZ Co. in California, which is not mentioned in this decree, and which was never involved in this proceeding in any way, should find itself picketed by the UAW, or any other union, because it is working on Kohler Co. products, and the pickets are calling upon the employees of the XYZ Co. to strike or to refuse to handle these Kohler products. Assuming a case like that, could the NLRB, after the investigation of this situation, proceed directly against the UAW for contempt of the decree in the circuit court?

Mr. CONSTANTINE. May I take a look at the decree, Senator?

Senator MUNDT. Yes.

Mr. CONSTANTINE. Thank you.

The decree is so worded that the answer to your question is that the NLRB could proceed directly.

Let me point out to you what I mean by that.

Senator MUNDT. That they could proceed directly?

Mr. CONSTANTINE. Yes.

Senator MUNDT. Now go ahead.

Mr. CONSTANTINE. The decree provides that the UAW and Local 833 shall not picket Buteyn, the city of Milwaukee, the Chicago & Northwestern Railway Co. or any other employer. That is broad enough to comprehend anybody. It also provides that Local 833 and the UAW shall not in any other manner, including threats, violence, orders, directions, instructions or appeals, engage in a secondary boycott, with respect to the employees of Buteyn Construction Co., the city of Milwaukee, the Chicago Northwestern Railroad, or any other employer, other than Kohler.

Senator MUNDT. In other words, as I understand, the NLRB would not have to initiate a new proceeding from the beginning with a new charge and new complaint and hearing before the Board in order to prosecute the UAW for contempt, even though the XYZ Co. had never been involved in the case which was settled?

Mr. CONSTANTINE. Yes, that is true, except when you say initiate a new charge perhaps you mean investigate a new charge. We don't initiate charges.

Senator MUNDT. Well, maybe I better say you would not have to initiate a new proceeding.

Mr. CONSTANTINE. Yes. In that respect, the decree gives a little more protection to what we call the public policy of the act in this respect: If someone called to our attention or the Board's attention the fact that there was conduct indicating the violation of the decree, and the Board investigated and found that there was such a violation, it could, without more, petition the court for a finding in contempt, whereas if that same person came in and there was no decree and refused to file a charge, there was nothing the Board could do.

Senator MUNDT. Could any more effective remedy have been afforded this mythical XYZ Co. had this not been a consent decree but a normal decree resulting from a contested case in which the XYZ Co. had sought to initiate a completely new proceeding before the NLRB?

That is my final question. You will find that listed on page 6.

Mr. CONSTANTINE. I don't think it could give any more effective remedy by proceeding in a separate complaint case or separate charge and complaint following it.

The only difference between the two is that in the separate case the XYZ Co. you referred to would be mentioned or identified specifically. But you don't have to have them identified specifically.

A decree providing that the union shall not engage in secondary boycotts with respect to the employees of A, B, and C, or any other employer, in my opinion embraces any other employer.

Senator MUNDT. Mr. Chairman, there may be some other members of the committee who have questions on this point. If not, those are the questions I wanted to ask. I have a statement I wanted to make based on the replies, but some other members of the committee may have some questions.

Mr. CONSTANTINE. I would like to add, as a result of a conference with Mr. Silverberg, that, of course, the Board does not have to go in on contempt if it desires to process the complaint. The reason for that



is this: The General Counsel has the final say as to whether he will issue a complaint or not, as to whether he will call certain facts to the attention of the Board.

If, rather than proceeding in contempt, the General Counsel decides to issue a complaint on those same facts, there is nothing the Board can do. But your question, as I understood it, was can the Board do it?

Senator MUNDT. Right.

Mr. CONSTANTINE. The answer is yes.

Senator GOLDWATER. I have just one question.

You referred to Mr. Silverberg. Who is Mr. Silverberg?

Mr. CONSTANTINE. Mr. Silverberg is the Director of Information for the National Labor Relations Board. He is sitting right here at my right, Senator.

Senator GOLDWATER. How long has he been associated with the NLRB?

Mr. SILVERBERG. 21 years, Senator.

Senator GOLDWATER. Is it customary for the Director of Public Relations to attend hearings and sit on the side of counsel?

Mr. SILVERBERG. Well, there haven't been too much occasions, Senator.

Senator GOLDWATER. I wondered what the purpose would be.

Mr. SILVERBERG. Well, the Chairman asked me to accompany the Solicitor.

Senator GOLDWATER. The Chairman asked you?

Mr. SILVERBERG. That is right.

The CHAIRMAN. The Chairman of the Board.

Senator GOLDWATER. I understand.

Senator MUNDT. May I say, Mr. Chairman, that the letter of the chairman to the committee to the Chairman of the Board didn't ask for Mr. Constantine. It asked him to send up such people as he thought would be helpful in answering the questions which I had posed and with regard to the cases we had stipulated.

So the selection of these two gentlemen was made by the Chairman of the Board.

The CHAIRMAN. Do you wish to ask this gentleman any questions? If so, he should be sworn.

Senator MUNDT. No.

The CHAIRMAN. All right.

Senator MUNDT. Mr. Chairman, I am sorry to take this much time with these questions, but I feel this goes to a very important point in these whole hearings, and it is very important that we get this record straightened out from the best possible testimony that we can find, because I submit that on the testimony we have had from the UAW witnesses to the effect that the union had no responsibility for or took no part in any attempt to prevent the clay boat from unloading at the Sheboygan dock on July 5, 1955, the testimony of Mr. Constantine is overwhelmingly persuasive to the contrary.

Mr. Constantine's testimony and the public records to which he referred establish in my opinion beyond any doubt the following points: Number 1, that the picketing activities at the Sheboygan dock, and particularly those picketing activities which prevented the Buteyn Construction Co. from unloading the clay boat for Kohler resulted

in many days of testimony before our committee because of the resulting activities which we have called the clay boat incident, resulted in charges being filed with the NLRB alleging that both the International UAW and Local 833 UAW had violated the secondary boycott provisions of the Taft-Hartley Act by attempting to prevent such unloading.

Two, the General Counsel of the NLRB, following the usual procedure in such cases, investigated those charges and found sufficient evidence of the truth to justify the issuance of a formal complaint, filed against both the local and the international union, in contrast with several other secondary boycott charges against the UAW elsewhere which were informally settled prior to the issuance of the complaint. The point at issue being here whether there was a formal complaint, and the evidence overwhelmingly supports that fact.

Three, rather than air all of the detailed facts in the case which would emerge in a full-dress NLRB hearing, the union entered into a formal settlement agreement, the results of which are practically the same as if the NLRB had found the UAW guilty after a full hearing, and has been sustained in its decision by the courts.

Four, that there is now outstanding against the international UAW and Local 833 a judicial decree which threatens exactly the same penalty based on the same procedures, which would have resulted if the UAW had contested the case and had lost it.

Five, that the favorable NLRB decision secured by the three other unions affiliated with the UAW, dealt with a factual situation that did not involve the picketing activities at the Sheboygan dock, nor the Buteyn Construction Co. and its employees.

Six, contrary to the assertions and statements of Mr. Rauh, speaking here for the UAW, all of the decisions of the NLRB and of the Federal courts, hold that the type of activities carried on by the UAW at the Sheboygan dock and against the Buteyn Construction Co. and its employees as alleged in the NLRB complaint, are violations of the secondary boycott provisions of the Taft-Hartley Act.

Finally, I think it is important that the testimony we have just received demonstrates clearly that the attorney for the UAW, Mr. Rauh, in his statements to this committee on this matter, and his previous responses to me, both while testifying as a witness when he was sworn and in commenting informally when he was not testifying as a witness and was unsworn, was either designed to mislead the members of this committee and to mislead me who asked the questions, and to mislead the American public, or else, speaking charitably, he was speaking with complete assurance on the matter with which he was not informed and on which he did not have the facts.

For that reason, I thought we should go direct to whoever in the NLRB had the records, had the files, had the facts, so the record could be based on evidence rather than mere statements of opinion.

I want to thank the Chair for making available this witness from the NLRB.

The CHAIRMAN. Are there any further questions?

The committee will stand in recess until 1:30. We will resume hearings at that time in the Caucus Room.

(Whereupon, at 12:15 p. m. a recess was taken until 1:30 p. m. of the same day, with the following members of the committee present: Senators McClellan, Mundt, Curtis, and Goldwater.)

## AFTERNOON SESSION

(The committee reconvened in the Caucus Room. United States Senate, with the following members present: Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. The committee will come to order.

Call the first witness.

Mr. KENNEDY. Mr. Herbert V. Kohler.

(At this point, Senator Kennedy entered the hearing room.)

The CHAIRMAN. Mr. Kohler, will you be sworn, please, sir?

You do solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. KOHLER. I do.

**TESTIMONY OF HERBERT V. KOHLER, ACCOMPANIED BY  
COUNSEL LYMAN C. CONGER**

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please, sir.

Mr. KOHLER. My name is Herbert V. Kohler. I live at Kohler, Wis. I am president of the Kohler Co.

The CHAIRMAN. Do you have counsel representing you?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Counsel will be identified as Mr. Conger, for the record.

Mr. KOHLER. Yes, sir.

The CHAIRMAN. How long, Mr. Kohler, have you been President of the Kohler Co.?

Mr. KOHLER. Since 1937, sir.

The CHAIRMAN. Since 1937.

Pardon me. I believe you have a prepared statement that you wish to read?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. The witness has not conformed to the rule of the Senate with respect to submitting his statement 24 hours in advance. For that reason, the witness asked yesterday, or his counsel did, that we defer hearing this witness until tomorrow, to give him the opportunity, because he hardly got notice in time that the committee would like to hear him today to give him the opportunity to comply with the rule of the Senate.

I suggested that if the witness would appear today, I would ask the committee to waive the rule with respect to 24 hours.

I observe here that you have a very brief statement. It contains only five pages of typewritten matter. I ask the indulgence of my colleagues on the committee, in this instance, to waive the rule, so that we may proceed.

(At this point, Senator McNamara entered the hearing room.)

The CHAIRMAN. Do I hear objection to the Chair's request?

The Chair hears no objection.

Therefore, Mr. Kohler, you may proceed to read your statement.

Mr. KOHLER. Mr. Chairman, and members of the committee:

The purpose of these hearings, as I understand it, is to inquire as to the need for legislation to deal with improper activities in the labor and management fields.

It has been our endeavor to give the Senate committee the fullest cooperation by supplying information as requested and by sworn testimony on matters within the knowledge of company personnel. Nothing occurs to me that I would now wish to add in this respect.

I concur in the statements of position and policy that have been made by Mr. Conger and others who have spoken for the company officially.

The concern of the committee, I assume, is with broader interests of the American people—not with this particular dispute between Kohler Co. and the UAW, as such.

Obviously, I speak from the viewpoint of one of the parties. We have been concerned, naturally, to protect the interests of the company.

But I believe that some of the stands we have taken have served in the public interest and specifically the interest of people employed in American industry.

The issue which more than any other, in my opinion, precipitated this strike was compulsory unionism. We do not believe that people should be compelled to become or remain members of a union. The arguments pro and con are so well known that I shall not repeat them; but I think that many of the abuses this committee has exposed in its investigation would not happen where union membership is voluntary.

(At this point, Senator Mundt entered the hearing room.)

MR. KOHLER. There is no so-called right-to-work law against the union shop in Wisconsin, although by way of contrast we do have a law which my brother signed as Governor years ago, outlawing yellow-dog contracts. We have not questioned the union's right to make such a union-shop proposal or demand.

But we believe it is also beyond question that the company was right to reject the demand, in view of our convictions on this subject.

Wisconsin does have a law against the use of mass picketing, force, and coercion to prevent people who desire to go to work from doing so.

To my mind, the right to work, free from such tactics, is self-evident.

According to testimony heard here from union sources, those voting for this strike were not only a minority of the company's employees but a minority of the union's claimed membership.

But waiving that question, those desiring to work, no matter how much or how few in number, had that right, not merely as a matter of law, but as a matter of morals and of sound American principle.

The picketing was illegal from the very first hour. It seems to me the evidence has left no doubt that it was deliberately so organized and directed.

The purpose during the nearly 2 months of mass picketing was not to protect the jobs of the strikers which certainly nobody was then trying to take, but to prevent the nonstrikers from working at their own jobs.

The union argument seems to be—and it has been openly so expressed—that in a strike situation, the company has no right to operate, nonstrikers have no right to work, and the union's view as to the merits of the dispute is conclusive and binding upon everybody.

Carried to its logical conclusion, this would mean that when a strike is called, the company must close its plant and lock out those employees who want to work; and eventually the company would have to give in on union shop and any or all other demands or else be forced out of business.

That would amount, not to bargaining in good faith, but yielding whatever the union saw fit to demand and insist upon. It would take only one to make a bargain, and that one would be the union.

Kohler Co. and the UAW failed to reach a second contract. The union called a strike, as it had a right to do. The company took the strike, as it had a right to do. Speaking for ourselves, I can say that, as we viewed the matter and as we still view it, we did not let ourselves get involved in so serious a conflict for trivial reasons.

The union first resorted to trial by combat. Only after mass picketing and force had failed did they seek a legal remedy by preferring charges of unfair labor practices.

The findings of the trial examiner on those charges favored the union on some points but sustained the company on what seems to me the most important issues. He found that the strike was not caused by any failure of the company to bargain in good faith. He also found that the stand of the company with respect to bargaining during the period of mass picketing was warranted by the unlawful conduct of the union.

I mention this, not with the thought that this committee is primarily interested in the labor board proceedings (which are still not concluded).

But it highlights the UAW attitude of assuming to judge the merits of a dispute in which it is an interested party, to take the law into its own hands, even before resorting to the legal process that is available to it, and to employ coercion, not alone against the company, but against fellow workers who prefer to think for themselves, and against the community itself.

It seems to be an attitude that whatever end they choose to pursue justifies any means they choose to employ.

When law enforcement and public order are broken down, I submit that the public is being coerced.

The responsibility of the union and its officials, including those of the International, for the unleashing of mob rule on the picket line seems beyond dispute.

Their responsibility for the home picketing appears equally fixed.

This is true also as regards assaults upon individuals, the bowling alley riot, the clay boat riot.

In the light of all the evidence, it is hard to see how reasonable people could be in doubt about the responsibility for the vandalism.

The UAW has dwelt at these hearings upon various company actions as justification for UAW violations of law. Many of their accusations against the company have been in the form of stump speeches and hearsay, not to characterize them any further. Insofar as the accusations have any pertinence at all to the real issues, the evidence is before the labor board.

To complain to the Board, if the union felt aggrieved, was proper enough. But for the union to take the law into its own hands was not proper. And the commission of unlawful acts, in most cases not against the company primarily, but against individuals and against public order, can scarcely be defended or even rationally explained.

One specific allegation against the company is that we have employed strikebreakers. I do not wish to bandy words or definitions as to strikebreakers. I suppose that could be at least in part a legal question.

We did not solicit people to take jobs, although our attorneys tell me that we would have had a legal right to do so.

When we needed help and qualified applicants asked for jobs, we hired some of them to help operate our plant. We could have limped along or gone out of business—but I thought we had a right of self-preservation, and we chose that rather than surrender.

Our problem was not just the shortage of help caused by the fact that some of our employees were out on strike. It was largely the fact that many others, terrorized by the abuse and threats, the home picketing, the assaults and the night-riding vandalism, were staying away, although they wanted to work.

We hired permanent employees, and the union had public notice of that fact.

And may I add that we stated our position, not as a threat, but as our answer to a union threat that these people would later be thrown out in the street to make room for returning strikers.

May I also add that whenever we have had jobs available, strikers applying for reinstatement have met with no discrimination. They have been reinstated provided they had not engaged in serious unlawful conduct.

There remains the matter of the boycott. The legal problems involved I do not consider myself qualified to discuss.

The purpose of the boycott has been to strangle the company into submission and wreck its business, making it an example to all American industry. If the union accomplishes its purpose, the only alternative will be to do as the union says or be destroyed.

The public is being told by the union, in effect, if you are not for us you are against us. It is the same thing the clergy in Sheboygan County were told, and the bar association, and the medical society and virtually everybody in the community.

People who sell Kohler products and those who install them, municipalities, school boards, hospitals, even community chests, have been given the same alternatives.

Wherever painful legal consequences threaten, the union always backs off fast; but like the vandalism, this is a hit-and-run affair, sure to break out somewhere else.

The effort of the union has been to hurt the company by hurting innocent third parties. Whatever harm we have suffered in particular localities has been offset by business we have gained because of the widespread indignant reaction to these tactics.

The typical American will have a tendency not to buy products of a company which in his judgment is bad. But he does not take kindly to attempts to pressure him against his judgment.

The real harm is to people whose business or occupation is carried on in a limited area where a particular sale or job under attack may be of critical importance.

It is a salutary thing to expose dishonesty and racketeering and this committee deserves the commendation of the American public for the job it has done in that respect.

But there is an even graver problem when people are deprived of their civil rights to work at their jobs or conduct their business peacefully, according to their own judgment, and whole communities live in a state of fear and apprehension.

Thank you, sir.

The CHAIRMAN. Thank you, Mr. Kohler. Could you, in elaborating on your statement, now state specifically what you consider to be the improper practices that the union has engaged in since this strike began, either those which are in violation of existing law or those which you believe are improper and wrong and should be prohibited by law?

You refer in general terms here in your statement to things.

Mr. KOHLER. Well, the mass picketing, sir, for the first 54 days.

The CHAIRMAN. I beg your pardon?

Mr. KOHLER. The mass picketing.

The CHAIRMAN. Mass picketing for the first 54 days?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. All right. What else?

Mr. KOHLER. The home picketing.

The CHAIRMAN. The what?

Mr. KOHLER. The home picketing, the picketing of homes by large masses of people. The vandalism, individual cases throughout the county, vandalism and violence to persons and property.

The CHAIRMAN. Vandalism and violence?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. We will put that under one.

Mr. KOHLER. And then the boycott in which innocent third parties are being coerced, and the public, of course, which is being coerced every time there is violence, every time there is disorder, which cannot be controlled by the authorities.

The CHAIRMAN. I have four. Let's see if you can name another.

One is mass picketing.

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Two is home picketing?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Three is vandalism and violence and four is boycott. Is there any other that you would regard as an improper practice, labor practice, on the part of the union, either the local union or the international, or both?

Mr. KOHLER. May I consult my counsel, sir?

The CHAIRMAN. Yes, you may.

(The witness conferred with his counsel.)

Mr. KOHLER. The importation of goons from without the State, men such as Gunaca and Vincent.

The CHAIRMAN. The importation of goons——

Mr. KOHLER. Yes, sir.

The CHAIRMAN. —from out of State. That is five. Is there any other?

Mr. KOHLER. I think that covers it, sir.

The CHAIRMAN. Those five, then, you would state all of their activity in which the union has indulged during the period of this strike, these five that I have listed here as you have named them, constitute what you regard as improper practices, for which the union is and should be held responsible?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. In other words, insofar as it violated the law now, if they do, they are improper, and if the law is not adequate to cover and include these practices that you have mentioned as of now, then

you think they should be declared improper, and the Congress should legislate against them?

(The witness conferred with his counsel.)

Mr. KOHLER. I would think so, yes, sir.

The CHAIRMAN. I am just trying to get this in its proper perspective.

Now, may I ask you this: You have, of course, followed these hearings, and you have been very well identified, I am sure, with this unfortunate labor dispute from its inception. You know of the many charges that have been made against the Kohler Co. by the union in the course of this controversy.

Are you in position to say, or do you now concede, that the company has at any time engaged in an improper labor practice?

(The witness conferred with his counsel.)

The CHAIRMAN. You would not concede that the company has at any time engaged in an improper labor practice?

Mr. KOHLER. That is right, sir.

The CHAIRMAN. Do you contend that you have at all times bargained in good faith?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Have you ever refused to bargain in good faith?

Mr. KOHLER. No, sir.

The CHAIRMAN. It is not the function of this committee to undertake to settle a strike. However, it may have been an unjustified hope but I think we have entertained at times a faint hope that may be, as a result of these hearings, we could bring out facts that would be spotlighted in public opinion and thus induce, possibly, the parties that are involved to again review their position and undertake to make further concessions, insofar as according the hope that there might be some progress made towards a final settlement of this dispute.

Has anything occurred during the course of these hearings that has caused you or your company to in any way review its position and reconsider the position it has taken in the past with respect to the issues at controversy?

(The witness conferred with his counsel.)

Mr. KOHLER. No, sir.

The CHAIRMAN. In other words, I will use this term for both sides, I am not trying to single you out, you are just as adamant now with respect to the position you have stated here in your opening statement, and the position you have maintained from the beginning, as you have been at any time?

Mr. KOHLER. We are maintaining our position.

The CHAIRMAN. You are not now willing to yield on any point where there is disagreement, and an issue between you and the union?

Mr. KOHLER. We are willing to negotiate at any time with any union that represents our employees.

The CHAIRMAN. It seems to me in this matter of bargaining and negotiating, to say you will do it in good faith I would think carries with it, or should carry with it, the implication that—

We will sit down with you at the bargaining table, review our position, take into account further and give consideration to the position you maintain, or the demands or requests you make. In other words, we will go to the bargaining table to start afresh and take a new look at the problem. Maybe we have been wrong. Let's look over and see.



That, to me, is bargaining in good faith. But to take a position "I am not going to budge. This is the limit. I am going no further. I will go to the bargaining table but I will sit there like a stone wall with deaf ears, I will pay no attention," to me, is not bargaining in good faith. I am trying to determine whether either side is ready to sit down at the bargaining table and again bargain in good faith, or if you have reached the point on both sides, or either side, where you take a position "We have gone the last mile, the last foot, the last inch, we are going to make no further concessions: it is either this or nothing else."

Have you reached that position?

Mr. KOHLER. I would say we have not reached that position. But I would not foretell the answer.

The CHAIRMAN. I don't say you could foretell until you sit down and bargain. But are you still ready and willing to sit down at the bargaining table with the union and its representatives, and again review your position with them, and take into account and try to consider their point of view in the hope or with the view that you may possibly reach some amicable settlement?

(The witness conferred with his counsel.)

Senator KENNEDY. Mr. Chairman, it seems to me that Mr. Kohler could give an answer to that. He is the head of the company. We have already heard from Mr. Conger. Your question is very direct. Does he have to have advice of counsel in answering that question?

The CHAIRMAN. We have been very generous here in letting them consult counsel.

Mr. KOHLER. Mr. Chairman, I think I have answered that. We will go to a bargaining table with open minds. But I will not give you the answer now.

The CHAIRMAN. I don't mean you can. I didn't say you could.

I am trying to find out if you would go to the table with an open mind. In other words, I am trying to find out very frankly whether either side or both sides are bargaining in good faith.

Just attending a bargaining session doesn't necessarily mean it is in good faith.

Mr. KOHLER. I don't know how to answer that, sir.

Senator CURTIS. Mr. Chairman, would you yield for just one brief question?

The CHAIRMAN. Yes, I will yield.

Senator CURTIS. My question is this, and maybe you will want to consult your counsel. Would it be lawful for you to bargain with an organization that did not represent your employees?

Mr. KOHLER. I think——

Senator CURTIS. I am not saying whether they do or not. But is that a question of law?

Mr. KOHLER. I think it is, sir.

Senator CURTIS. If a bargaining agent comes to you and says "We represent your employees," if they do not, you have no right to bargain with them, do you?

Mr. KOHLER. That is my understanding, sir.

Senator CURTIS. It is against the law, isn't it?

Mr. KOHLER. Yes, sir.

Senator CURTIS. I see.

The CHAIRMAN. The Chair is going to defer any further questioning. I was trying to get this thing in focus, get it in proper perspective, so that as we move along we would know fundamentally, basically, exactly what your position is.

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Senator Kennedy?

Senator KENNEDY. I would like to follow what the chairman has said. As I understand it, Mr. Kohler, would you or would you not sit down and sign a contract on any terms with the UAW?

Mr. KOHLER. Well, I think that the UAW must prove somehow that it represents the majority of our employees.

Senator KENNEDY. In other words, would you sit down with them today or not and sign it on any conditions?

Mr. KOHLER. I think they must prove that they represent the majority of our employees before we would make a legal contract.

Senator KENNEDY. As you know, the trial examiner, and you made reference to him, stated very clearly in his report, at page 133:

At all times, on or after June 11, 1952, the union has been the exclusive bargaining representative of respondent's employees in the aforesaid unit.

Mr. KOHLER. Could I consult my counsel?

Senator KENNEDY. The point I am making is that the examiner makes the statement that the UAW is the representative of the employees for bargaining purposes.

Mr. KOHLER. We have given them notice, though, that we question their majority.

(Witness conferred with his counsel.)

Mr. KOHLER. On February 12—

The CHAIRMAN. The Chair will make this observation, and you can bear it in mind. Mr. Conger has been sworn, he has been a witness, and any time that he answers a question that may be asked, he will answer it as a witness.

Mr. KOHLER. Yes, sir. I was trying to get a date. Could I have him answer that?

The CHAIRMAN. As to the date, if you do not recall.

Mr. KOHLER. We notified the National Labor Relations Board that we questioned the majority of the union. That was February—

Mr. CONGER. As of February 12, 1955.

Senator KENNEDY. What has happened, of course, Mr. Kohler, is that an election was held and the UAW was chosen as the bargaining unit. Then they went on strike, and since that time you hired other employees who are not members of the union.

The National Labor Relations Board trial examiner found that the UAW was still the bargaining unit for the employees. You have stated today that you do not accept that, and for that reason, therefore, you would not sit down and bargain with the UAW as the representative of the employees. Is that a correct statement?

(Witness conferred with his counsel.)

Mr. KOHLER. Yes, sir.

Senator KENNEDY. Then you would not sit down with the UAW and bargain with them as a representative of the employees, is that correct?

Mr. KOHLER. We do not think that the UAW now represents a majority of our employees.

Senator KENNEDY. In other words, you would not sit down with them, even though the trial examiner found that they were the representatives of the employees, is that correct?

Mr. KOHLER. I would have to consult my counsel.

(Witness conferred with his counsel.)

Senator KENNEDY. It seems to me, Mr. Chairman, that we are not discussing a legal question, but a question of opinion.

I know the great influence Mr. Conger has had on all of these negotiations. Personally, I consider that he has been one of the difficulties of the matter. Now the head of the company, who has responsibility can't even answer whether he would be willing to sit down, without appealing to his counsel.

Mr. CONGER. Mr. Chairman, may I interpose? The witness is being asked a question that does involve legal consequences, and I think he is entitled to talk to counsel on it.

The CHAIRMAN. The Chair is going to permit him to consult counsel.

Senator KENNEDY. Would you be willing to sit down?

The CHAIRMAN. I try to be rather generous in it, liberal. But, of course, the witness primarily should answer himself. I appreciate that it may be, and the witness may state, if he desires, that primarily he has turned this matter of management and administration of the affairs with respect to this controversy over to his attorney.

Mr. KOHLER. Yes, sir.

The CHAIRMAN. And you are relying upon him and have relied upon him in the past?

Mr. KOHLER. Yes, sir.

The CHAIRMAN. Proceed.

Senator KENNEDY. What I am asking you, Mr. Kohler, is whether you would be willing, once again, and I want to get it clear——

Mr. KOHLER. May I interrupt you, if you please?

Senator KENNEDY. Yes.

Mr. KOHLER. The trial examiner is not the last word in the matter.

Senator KENNEDY. That is correct.

Mr. KOHLER. We have taken exception to his findings.

Senator KENNEDY. All I am asking you is your opinion. I am just quoting the trial examiner as at least a disinterested party. I am asking you in order, if we could, to see if some accommodation could be reached on a very long and lengthy strike, whether you would be willing to sit down with the union as the bargaining agent for the employees.

I gather from what you have said that you would be unwilling, then, is that correct?

Mr. KOHLER. It certainly would be to no purpose. We could not come to no conclusion, if it would be illegal to make an agreement with a minority interest.

Senator KENNEDY. Why is it illegal to make an agreement with the bargaining representative of the employees? Why it is illegal? What action has been taken by the employees——

Mr. KOHLER. It is a legal question, sir, which I would refer to my counsel.

Senator KENNEDY. What action has been taken by the employees which has displaced the UAW as the bargaining representative?

Mr. KOHLER. Well, men have quit, men have died, new men have been employed: It certainly disposes the working force differently.

Senator KENNEDY. What action has been taken, legal or any other action which has been taken, which would formally indicate to you that the UAW was no longer the bargaining agent?

(The witness conferred with his counsel)

Mr. KOHLER. I would like to refer that to my counsel, sir.

Mr. CONGER. We raised that issue, Senator, in the answer to the NLRB proceeding, that due to the change of employees, the lapse of time, we did not believe that this union any longer represented the majority of our employees. We submitted proof on that, that matter is now before the Labor Board for decision. I do not believe, Senator, you were here the other day when I drew the distinction between making a contract with this union and making a possible strike settlement. It is possible to negotiate a possible strike settlement without negotiating a new contract.

We did that with the A. F. of L. in 1934, and would be willing to try it again.

Senator KENNEDY. What is it you would be willing to do, Mr. Conger, or Mr. Kohler?

I understand you were not willing to sign a contract, but what would you be willing to do?

Mr. KOHLER. Make a settlement.

Senator KENNEDY. With the UAW?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. What area do you feel that there is of disagreement between you and the UAW?

I understand the compulsory unionism and union shop has been dropped.

What is the area of disagreement now, and what would be the terms on which you would settle it?

Mr. KOHLER. It seems to me that is a matter for our bargaining committee.

Senator KENNEDY. You wouldn't want to describe it to this committee?

Mr. KOHLER. I would rather not try to settle a strike here.

Senator KENNEDY. Could we ask you when you would be willing to sit down? In other words, the committee has spent 5 weeks on this matter, and I think it would be of interest to the committee to know what are the areas of disagreement now separating the company and the union.

Mr. KOHLER. May I ask the Chairman, is this within the functions of a senatorial committee?

The CHAIRMAN. It is not the function of the committee to try to settle a strike, but there is great public interest in this, and since we are into the matter of trying to determine what improper practices may have occurred in connection with the strike, we thought, as I spoke a while ago, or we were hoping possibly by spotlighting this situation, that it might bring the people involved closer together, and hold out some hope at least of renewing negotiations and ultimately working out a peaceful settlement.

Mr. CONGER. Mr. Chairman, may I suggest—

The CHAIRMAN. May I say this, Senator Kennedy:

Each side, both the Kohler Co. and the union, have field statements and they are now a matter of record with respect to what each contends are remaining issues between them.

Senator KENNEDY. The purpose of my asking the question is to ask one of the major participants, Mr. Kohler, what are the issues which are separating the participants in this strike, and I think that is a valid question as it has engaged the attention of this committee for many weeks.

I would like to know what it is that is at issue today between you and the UAW?

Mr. KOHLER. We have presented that.

The CHAIRMAN. The witness may answer.

Mr. KOHLER. At the insistence of the chairman, we submitted this memorandum of unresolved issues prepared by the Kohler Co., by our staff.

There is the statement:

The union has demanded that the company discharge or lay off present employees to make jobs available for returning strikers. The company is not willing to discharge or lay off present employees to create jobs for strikers who desire to return to work, nor is it willing to reinstate strikers who have been guilty of serious or illegal conduct in connection with the strike.

Under existing conditions, the company cannot guarantee when, if ever, jobs will become available for strikers who desire to return to work.

Senator KENNEDY. The first issue is the question of the strikers, whether you would hire them back or not, is that correct, and you say you cannot hire them back, or at least you cannot give any guarantees of hiring them back under existing conditions?

Mr. KOHLER. We say we will hire them back, and we will not discriminate against them, sir. We will hire them back if jobs are available and if they have not committed any acts, illegal acts or illegal conduct.

Union security: The union's original demands were for a union shop which would have required every employee to join this union, whether he desired or not.

On August 10, 1954, they changed this demand to maintenance of membership. In the later stages of the bargaining, the union has taken inconsistent positions, in announcing publicly that they had dropped their union security demands while still arguing for them at the bargaining sessions.

The NLRB trial examiner, after hearing all of the evidence, commented that whether the union had dropped its maintenance of membership demands what left uncertain

and I quote:

On the entire record.

Seniority: During June of 1954, agreement was reached on this subject due to company concessions. Then the union raised the question of interpretation of the contract provision relating to lay off which had been in the old contract and which the union had previously accepted. This was despite the fact that there had been no lay off of any Kohler employee for 17 years.

Insurance: The union demanded increased hospitalization benefits. The company offered increased benefits which were acceptable to the union. The remaining issue was who should pay for the increased benefits. The company offered to pay the entire increased cost of the benefits for employees, but the union insisted that the company also pay the entire increased cost for dependents of employees as well as for employees themselves.

Wages: The union's original demand was for a general wage increase of 20 cents per hour plus 10 cents per hour for so-called skilled workers.

That is in quotes.

On August 10, 1955, it changed its demand to 10 cents per hour general wage increase, plus 5 cents per hour for so-called skilled workers. Prior to the strike, the company had offered a wage increase of 3 cents per hour, and an additional 3 cents per hour for incentive workers, and 10 cents per hour for hourly paid workers was offered in July of 1955.

These increases were put into effect after their rejection by the union. The company also put into effect a wage increase of 8 and 12 cents per hour January 1, 1957.

We have no information as to the union's present wage demands.

Senator KENNEDY. You cover a period there of 4 years. I understand your first offer was 3 cents, and that was Judge Murphy's testimony which indicated that Mr. Conger was unwilling to move ahead of 3 cents in any way.

Mr. KOHLER. That is right, sir.

Senator KENNEDY. Did you say that Mr. Conger says that is right?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. In your memorandum of August 5, to Lyman Conger from you, you say:

In the circumstances I do not believe we should make any concession beyond the offer already made, which as I recall it would give an increase of 3 cents effective August 23, but in the circumstances I would make no further concession, holding to the principle which you time and time enunciated, and which were agreed, after a strike vote is taken under no circumstances would we make any concession.

The way you would include these wage increases they cover a 4-year period of time and were not offered at the time that you and the union were bargaining.

Mr. CONGER. Could we have the date of that memorandum you are reading from?

Senator KENNEDY. August 5, 1953.

Mr. Kohler, did you read Judge Murphy's testimony before the committee about the difficulties of getting the company to bargain collectively?

Mr. KOHLER. I presume that I have read it. I was present at the time Judge Murphy came to us and offered his services as mediator.

Senator KENNEDY. Have you read his testimony before the committee on his experiences?

What I am asking you, Mr. Kohler, is whether you have read or heard of the testimony given by Judge Murphy reporting on his experiences in trying to settle the strike before this committee on March 7, 1958.

Mr. KOHLER. We appreciate his good offices, but we felt he was unrealistic, and neither the company nor the union, as far as I know, agreed that he had a proper estimate of the situation.

Senator KENNEDY. Judge Murphy said, and he is quoting,

Did you have some conversations with the union officials, representatives of the union?

Without going into quite that much detail, is that correct that you had a conversation with the union at a later time?

Judge MURPHY. I did.

Mr. KENNEDY. At that time did they indicate to you that they would be willing to give up virtually all of the other issues that still remained in question then themselves, between themselves and the company, if they could get an increase of more than 3 cents, of something more than 3 cents?

Judge MURPHY. That is generally a correct statement, Mr. Kennedy.

Mr. KENNEDY. There was also going to be the question of how many strikers would be rehired, but except for that issue, the union was willing or ready to concede that time on all the other issues; is that right?

Judge MURPHY. That is a correct statement.

Mr. KENNEDY. What they wanted was something a little better than the 3 cents.

Judge MURPHY. That is right, even if it is only called a face-saving gain.

Mr. KENNEDY. And they were willing to concede even back in September of 1954 on almost all the major issues; is that right?

Judge MURPHY. Yes, of course; you are avoiding the return to work thing.

Mr. KENNEDY. With the question of the return to work of the strikers being left to settle, is that right?

Judge MURPHY. That is right.

Mr. KENNEDY. At that time, then, did you go back and meet with the company?

Judge MURPHY. I did.

Senator KENNEDY. Then Judge Murphy relates the conversations with Mr. Conger, and he relates then that Mr. Conger stated:

Judge MURPHY. Well, he didn't tell it to me alone. I don't know who was present. But Mr. Conger made this statement along the same line when many people were present: That the strike in 1934 had resulted in 20 years of labor peace, and they expected that this strike would bring about the same result. At one time, Mr. Conger made the statement that they were going to teach the union a lesson.

Now Judge Murphy's reputation is high, and I think he was a neutral party, and he indicates quite clearly through his whole discussion that the company refused to bargain as far back as 1954, and the only matters left in dispute in part of the statement that you made as to the union compulsory union membership, the only issue in 1954 that was left was whether they would get something more than 3 cents, possibly 5 cents, and the matter to be negotiated of the return of the strikers.

Now it seems to me that that doesn't separate you very far from the union unless you were, in Mr. Conger's words, attempting to teach them a lesson or unless your experience in 1934 in which you discouraged any international union from representing your workers at all for 20 years, whether that was the reason why you felt you did not want any international union representing your workers at this time.

Do you have any comment on that, on Judge Murphy's testimony?

Mr. KOHLER. I think the judge was not realistic. I have a high opinion of the judge as a person, and a man of integrity, but I believe that the union did not agree with him either, and Mr. Ruskin said he did not have a proper estimate of the situation.

May I check with my counsel on that?

(The witness conferred with his counsel.)

Mr. KOHLER. Yes, sir. I have no thought or I never have had any idea of teaching anybody a lesson. I mean the law exists, and we are trying to obey the law, the union went on strike, and we decided to accept the union strike.

Now, that is the "lowdown."

Senator KENNEDY. Now, Mr. Kohler, I want to go through this. You read the article in Life Magazine, did you, about the Kohler Co., and about the strike?

Mr. KOHLER. Not recently; it is a pretty villainous article, as I remember it.

Senator KENNEDY. Villainous?

Mr. KOHLER. Yes.

Senator KENNEDY. Well now——

Mr. KOHLER. I haven't read the article for a long time, but I think they got some of the pictures out of the ashcan.

Senator KENNEDY. Well, some of the quotes are:

The one Old World condition that the Kohler workers at last found intolerable was the Prussian variety of discipline maintained in the factory, discipline based on fear, demanding a sacrifice of personal dignity that finally became too great.

Mr. KOHLER. Senator, that is just absurd.

Senator KENNEDY. These quotes are all through the article.

Mr. KOHLER. If you quote them, I will say "yes" or "no." Nobody ever talked to me about that article.

Senator KENNEDY (reading).

In July of 1934, there was a riot outside the gates of the plant, which was quelled with tear gas and gunfire, resulting in the death of two men and wounding of 28 others, all strikers or spectators, and the AFL union was broken.

Is that true or false?

Mr. KOHLER. That is false.

Senator KENNEDY. Why?

Mr. KOHLER. In this sense, that the independent union outvoted the AFL 2 to 1, in a Government-supervised election.

Senator KENNEDY. What I am talking about is this: Then the local union, or this union, represented the employees for the next 20 years; is that correct?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. What I want to ask you is about this: Were all of the actions of the detective agencies which Mr. Conger hired, was that done with your approval, including paid informants?

Mr. KOHLER. There was so much vandalism that when Mr. Conger proposed to hire detectives to find out who was doing this vandalism, I acquiesced. He and I had an idea that our lines were being tapped, and we just wanted to find out what we could.

I agreed with the point of a detective agency. He handled all of their reports and I did not cover the details on it.

Senator KENNEDY. Do you know the detective agency did more than check whether your lines were tapped?

Mr. KOHLER. I did not receive the reports at the time, sir.

Senator KENNEDY. Do you know, yourself, Mr. Kohler, as of today, that the detective agency did more than check whether your lines were tapped?

Mr. KOHLER. I think they conferred—I can only go to the record.

Senator KENNEDY. Now, Mr. Kohler, you are head of the company, and you are the responsible man, and it is the Kohler name involved?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. I know you have given Mr. Conger wide latitude, but are you not prepared to tell me today "yes" or "no" whether you know whether the detective agency did more than find out whether your wires were being tapped?

Mr. KOHLER. The reports were not made to me directly.

Senator KENNEDY. You had no idea what the detective agencies were doing?



Mr. KOHLER. The detective agency was in close contact with the police, the Sheboygan police, and with the FBI; am I correct in that? (The witness conferred with his counsel.)

Mr. KOHLER. Well, the Sheboygan police, and they did nothing that I understand the police were aware of.

Senator KENNEDY. Did you inform the police that you had paid informants in the strike kitchen, and so on, hired by the detective agency?

Mr. KOHLER. I did not know of that at the time.

Senator KENNEDY. Did you know about the surveillance of Mr. Burkhart, the head of the union, and the fact that the detective agency was responsible for securing a policeman to raid Mr. Burkhart's home?

Mr. KOHLER. I did not know that, sir, until after it happened.

Senator KENNEDY. Until recently or sometime ago?

Mr. KOHLER. Well, I presume after the time it happened.

Senator KENNEDY. You did not know it was going to happen? That report was made to Mr. Conger and discussed quite thoroughly in the report, but you left those matters to Mr. Conger?

Mr. KOHLER. Yes, sir.

(At this point the following members were present: Senators McClellan, McNamara, Kennedy, Mundt, Curtis, and Goldwater.)

Senator KENNEDY. Mr. Conger conducted the negotiations with the union?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. In the Life article, it said that—

Today the strike could be settled on these terms: A standard arbitration clause in the contract, set up a mechanism for rehiring strikers within a reasonable time, and arbitrate the 89 special cases. Thus it seems that Herbert Kohler has gained an edge over big labor which in recent years has not been in the habit of losing arguments.

If that was a fact, if the union would accept a standard arbitration clause in the contract, and a mechanism for rehiring the strikers within a reasonable time, and arbitration of the 89 cases, would you, as Life says, sign a contract with the UAW?

Mr. KOHLER. Not on that basis.

That is so badly stated that I couldn't pass on it here, sir.

Senator KENNEDY. You wouldn't. Let me ask you: Would you sign a contract with the UAW which provided for the rehiring of the strikers as vacancies become in the company?

Mr. KOHLER. Without discrimination, surely, certainly, if they had not been involved in illegal picketing or illegal activities.

Senator KENNEDY. Who would make the judgment on that? Would you agree to arbitration of that, on whether they were engaged in illegal picketing?

In other words, you mean any one that took part in the mass picketing you would not hire back; is that correct?

Mr. KOHLER. We named 91, and those 91 we would not take back.

Senator KENNEDY. You would hire back the other workers, though, with priority, is that correct?

Mr. KOHLER. Well, as jobs would be available.

Senator KENNEDY. So that you would agree to.

Mr. KOHLER. In fact, we have hired men without discrimination. I think I told you that.

Senator KENNEDY. Why, then, wouldn't you agree to these three conditions here which at least Mr. Wallace of Life says the strike could be settled on, standard arbitration, mechanism for rehiring the strikers, and arbitration of the 89 cases?

Would you agree to sign a contract with the UAW on that basis?

Mr. KOHLER. No. Say them one at a time and I will talk to you.

Senator KENNEDY. All right. Would you put in a standard arbitration clause in the contract?

Mr. KOHLER. What is a standard arbitration clause?

Senator KENNEDY. I would think it would be to arbitrate disputes arising out of conditions of work, discharges, and so on?

Mr. KOHLER. Well, we will discharge—we will arbitrate the application and interpretation of a contract. We cannot arbitrate discipline. When a man comes to us for employment, it is a mutual agreement. If he quits, we cannot arbitrate his quitting, can we?

Senator KENNEDY. No.

Mr. KOHLER. So we feel that we have to decide if he is no longer desirable as an employee, that he can be discharged. Actually, our own record, as against the national average, is excellent.

Senator KENNEDY. I am going to be through in just a moment. I noticed in your paid lunchtime in the enamel shop in the report of unsolved issues, the union demanded a 4-percent increase in the piece rates of the enamel shop to provide pay for eating lunch. The company's position was that the demand was a thinly disguised demand for a 10-cent increase. The company offered two 10-minute lunch periods without pay.

Is that the proposal for the enamel shop?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. We have heard a good deal of testimony about the working conditions in the enamel shop.

Mr. KOHLER. They are excellent, sir.

Senator KENNEDY. They are excellent?

Mr. KOHLER. Yes, sir; as are all the places in the Kohler Co.

Senator KENNEDY. How much time do they get for lunch now?

Mr. KOHLER. The time the men are there are 8 hours; they are continuous shifts. That is why the problem comes up. The item is put in to the furnace and there is a waiting time.

Senator KENNEDY. How much is the waiting time?

Mr. KOHLER. Well, it is not 4 to 5 minutes.

Senator KENNEDY. Were you suggesting they should eat—

Mr. KOHLER. Just a minute, please, sir.

Actually, men can put in their so-called 8 hours work in about 7 hours and 35 or 30 minutes.

They do it right along. This lunching time is calculated in their production rate. That is all considered. It is all part of it. It is a continuous operation.

Senator KENNEDY. It is an 8-hour day, Mr. Kohler. How much time do you give them for lunch?

Mr. KOHLER. They can easily take their lunch during those 8 hours. I have worked in the enamel shop myself, and I have done as much.

Senator KENNEDY. In other words, then, they have no lunch hour, no lunch period. You give them two 10-minute periods without pay for lunch, but you do not give them a paid half hour for lunch in the enamel shop?

Mr. KOHLER. No, sir. We don't pay them for lunching.

Senator KENNEDY. Do you get two 10-minute periods without pay as one of the proposals or not?

Mr. KOHLER. They are paid by the piece. They are there 8 hours. They can make good pay in those 8 hours, and they have ample time to eat their lunch.

Senator KENNEDY. What, between putting the material into the furnace and taking it out?

Mr. KOHLER. Yes, sir.

Senator KENNEDY. How long a period is there between that?

(The witness conferred with his counsel.)

Mr. KOHLER. Depending on the piece, around 4 minutes, 2 to 4 minutes. Well, that occurs consistently. Come out there, I will take you around myself.

Senator KENNEDY. Thank you, Mr. Chairman.

The CHAIRMAN. All right, Mr. Counsel, proceed.

Mr. KENNEDY. I have just a few questions.

What about the conditions in the plant and the seniority? Do you have women working in the plant?

Mr. KOHLER. Yes, sir.

Mr. KENNEDY. And what if they are going to have children and want to come back?

Do they come back to their own jobs?

Mr. KOHLER. Well, we will take them back. We would not displace anybody to take them back.

Mr. KENNEDY. Do they lose their seniority when they are going to have children? Don't you know that, Mr. Kohler?

Mr. KOHLER. I can't answer that. There are many, many details. I have many responsibilities. I don't know whether you realize that.

Mr. KENNEDY. This is a responsibility to your workers, I think, that you also have.

Mr. KOHLER. Yes.

Mr. KENNEDY. What is the situation as far as the children?

(The witness conferred with his counsel.)

Mr. CONGER. May I suggest that the documentary evidence is in on that in the contract?

The CHAIRMAN. The witness is being cross-examined. He may answer, if he knows.

Mr. KOHLER. I couldn't answer that, sir.

Mr. KENNEDY. Could you check and find out?

(The witness conferred with his counsel.)

Mr. KOHLER. If they come back within 2 years, they get their full seniority back.

Mr. KENNEDY. Is it written in their contract that they have to get their actual full seniority? Is it in the contract that they automatically get their full seniority?

Mr. KOHLER. Yes, sir.

Mr. KENNEDY. And do you have to take them back within 2 years?

(The witness conferred with his counsel.)

Mr. KOHLER. I don't quite understand your question.

Mr. KENNEDY. Can the girl always get her job back within 2 years? Is that written in the contract?

(The witness conferred with his counsel.)

Mr. KOHLER. No. We don't guarantee her job. We will try to take her back.

Mr. KENNEDY. But there is no guarantee of that?

Mr. KOHLER. No, sir.

Mr. KENNEDY. Are you aware of what Mr. Conger, and I wouldn't go into it—are you aware of what Mr. Conger is supposed to have said about these women working in the plant?

Mr. KOHLER. I think it is untrue.

Mr. KENNEDY. Are you aware of what he is supposed to have said?

Mr. KOHLER. I have heard some——

Mr. KENNEDY. Would you look at this affidavit signed by two people?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. KOHLER. I believe that is untrue, all of it.

Mr. KENNEDY. You don't think that is true?

Mr. KOHLER. I do not, sir.

Mr. KENNEDY. But the situation is, is it not, the facts are, that if a woman does have a baby, she is not automatically entitled to get her seniority?

Mr. KOHLER. That is right, sir.

Mr. KENNEDY. But you say that Mr. Conger's description of that is not true; is that right?

Mr. KOHLER. Absolutely.

Mr. KENNEDY. Is that correct, Mr. Conger?

Mr. CONGER. That is absolutely correct. That thing is a smear from beginning to end. I never made any such statement or any that could be interpreted as such.

The CHAIRMAN. Has that document been made an exhibit?

Mr. CONGER. I don't believe it has.

The CHAIRMAN. Let me see it and see what we are talking about. May the Chair see it?

Senator GOLDWATER. Might I ask the counsel if that was delivered by mail?

Counsel?

Mr. KENNEDY. Excuse me?

Senator GOLDWATER. Was that delivered by mail?

Mr. KENNEDY. I don't believe so.

Senator GOLDWATER. It was delivered by hand?

Mr. KENNEDY. I believe so.

Senator GOLDWATER. At the table here?

Mr. KENNEDY. It has been in the committee's possession for about 10 days.

The CHAIRMAN. The Chair recalls this document now. It has never been made an exhibit. It contains language that is unprintable in a decent record, and, therefore, it will not be received as evidence.

Mr. KENNEDY. That is all.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Mr. Kohler, in your five points that you listed as what you consider improper activities, the fifth point was dealing with goons from out of State. Is that correct?

Mr. KOHLER. Yes, sir.

Senator McNAMARA. You make a distinction between goons from out of State and goons within the State?

Mr. KOHLER. A goon is a goon, to me.

Senator McNAMARA. Well, you itemized goons from out of State.

Mr. KOHLER. I am making a distinction between a goon and a legitimate union representative.

Senator McNAMARA. Which category does a detective and a labor spy fall in?

You make the distinction.

Mr. KOHLER. Not in any, sir.

Senator McNAMARA. Were some of these detectives brought in from out of State?

(The witness conferred with his counsel.)

Mr. KOHLER. Yes, I think they were.

Senator McNAMARA. You think that is quite proper?

Mr. KOHLER. Well, he wasn't any goon.

Senator McNAMARA. I am sure you have a point there. I suppose when you are talking about goons, you are talking about goons generally, in State, out of State, company goons and union goons, is that right?

Mr. KOHLER. Well, we had no goons.

Senator McNAMARA. I am sure you, for the record, have no goons.

Mr. KOHLER. Yes, sir.

Senator McNAMARA. Mr. Kohler, do you now have a welfare or insurance plan in effect for your workers?

(The witness conferred with his counsel.)

Mr. KOHLER. Yes, sir.

Senator McNAMARA. How long has it been in effect?

(The witness conferred with his counsel.)

Mr. KOHLER. 1917, for the life.

Senator McNAMARA. Is it a participating plan or does the company pay all the expense?

(The witness conferred with his counsel.)

Mr. KOHLER. The man participates in the expense.

Senator McNAMARA. The management pays the expense?

Mr. CONGER. You misunderstood him. He said the man participates.

Senator McNAMARA. The employee contributes to it?

Mr. KOHLER. Yes, sir.

Senator McNAMARA. Do you have a retirement plan in effect now?

Mr. KOHLER. Yes, sir.

Senator McNAMARA. Totally paid by the company?

Mr. KOHLER. No, sir, the company pays about two-thirds. We offered to make the union's maximum our minimum.

Senator McNAMARA. Are your employees paid for legal holidays?

(The witness conferred with his counsel.)

Mr. KOHLER. Six of them, sir.

Senator McNAMARA. Six legal holidays?

Mr. KOHLER. Yes.

Senator McNAMARA. That is all the questions I have, Mr. Chairman, thank you.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. First, I would just like to keep the record clear. When the suggestion was first made that this committee proceed into the investigation of the UAW-Kohler strike, the greatest

objection raised to this investigation was the fact that we might become a strike mediation board, and repeatedly it has been stated that it was not the position of this committee to attempt to settle this strike.

I concurred wholeheartedly at the time with that feeling, expressed by members of this committee, and I still do. I just wanted to get that record straight.

Now, Mr. Kohler, I have sat through 4 or 5 weeks of these hearings, and I think that a definition is in order for the American public, because I don't think the American public understands what a strike is.

I want to ask you questions and have you comment so that we might get into the record what a strike is.

To begin with, do you agree that a strike is a legitimate needed and proper weapon of a union organization?

Mr. KOHLER. If a participant leaves his employment and just does not report to his job, I think it is a legitimate field of activity, yes, sir.

Senator GOLDWATER. And do you—

Mr. KOHLER. I would object—I would not in any way want to take away the American workmen's right to strike.

Senator GOLDWATER. That was going to be my next question. Namely, that this right to strike must be protected.

Mr. KOHLER. I believe so, yes, sir.

Senator GOLDWATER. We are in agreement there. Am I correct in assuming that a strike is called so that the union organization can win a point or points?

Mr. KOHLER. I presume so.

Senator GOLDWATER. A strike is usually called only when the union feels that it has sufficient strength to win the strike. Am I right or wrong?

Mr. KOHLER. I think so, yes, sir.

Senator GOLDWATER. I think you are right.

Mr. KOHLER. In this particular case, the union called a strike, having won an election by some 2 percent, I believe, two-something.

Senator GOLDWATER. Yes, sir.

(At this point, Senator Kennedy withdrew from the hearing room.)

Senator GOLDWATER. So the strike, for all intents and purposes, has been lost by the union that has called it. Am I right or wrong?

Mr. KOHLER. Well, I feel a little modest about that. I think they have lost, yes, sir.

Senator GOLDWATER. So when it is suggested that you negotiate with an organization that does not represent the majority of your workers, the suggestion goes to the point that you violate the law. Am I right?

Mr. KOHLER. I would think so, sir.

Senator GOLDWATER. I want to reiterate this, because I think the American people should realize what striking is for. Striking is to win a point for labor, and it is a perfectly legitimate, proper tool of labor, and we should protect it forever as a right of the American working person.

Mr. KOHLER. I believe so, sir.

Senator GOLDWATER. But the union has some responsibility in striking, and when a union calls a strike, when it does not have sufficient

membership or strength to win the strike, they have been, in turn, derelict to the members of their own union in my judgment.

I wanted this opportunity, Mr. Chairman, to clear up what striking is, and to point out that this has been a contest between the management and labor in which it is getting increasingly apparent from these hearings that management has won.

I want to reiterate that I agreed at the outset that this committee should not be an arbitration or mediation board. I still agree with that. I think we should abide by the time-honored American custom and habit of allowing labor and management to settle their own disputes with the striking being a determining factor or the losing factor.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. You have one statement in your prepared presentation, Mr. Kohler, which could carry an implication either way. I would like to have you straighten it out for the record. On page 1 you say "There is no so-called right-to-work law against the union shop in Wisconsin, although by way of contrast we do have a law which my brother signed as governor years ago outlawing yellow-dog contracts."

That could imply that you do not approve of yellow-dog contracts or that you do, and I would like to have you state for the record what your opinion is.

(The witness conferred with his counsel.)

Mr. KOHLER. Well, my brother, when he was governor many years ago, outlawed the yellow-dog contract, and I certainly concur in his belief, in his opinion, sir.

Senator MUNDT. You concur in that belief that yellow-dog contracts should be outlawed?

Mr. KOHLER. Yes, sir.

Senator MUNDT. I wanted that straightened out one way or another because it could be interpreted either way in the statement. You had used the contrast with the right-to-work law.

Mr. KOHLER. Yes, sir.

Senator MUNDT. We have had an awful lot of testimony, Mr. Kohler, about an enamel shop, and to this particular country boy from South Dakota whose only experience with bathtubs is using them, I don't know why a worker in an enamel shop shouldn't be as much entitled to lunch as a worker in an automobile factory or someplace else. Is there something peculiar about working in an enamel shop which makes it difficult for a man to take lunch, and, if so, what is it?

I would like to have somebody point out to me why all of this controversy developed about an enamel shop. Apparently you were letting other men in other sections of the plant eat lunch, because we have had no protest about that, but we always get protests about these poor fellows going hungry in the enamel shop.

What is there about an enamel shop, if anything, that makes it difficult for a man to get something to eat?

Mr. KOHLER. A man should have time for lunch. He has and he does, and he has done it for many years.

Senator MUNDT. What is all this argument about?

Can you explain it to a farmer who has never been in an enamel shop?

Mr. KOHLER. They want a 4-percent increase in wages in the enamel shop. That is what they want.

Senator MUNDT. All right. They want an increase in wages in the enamel shop, but what about the lunch business? Why can't they have lunch?

Is there something about an enamel shop?

Mr. KOHLER. It is a continuous process, sir. There are 8 hours—three 8-hour shifts, and the furnaces go on.

You can't put them on and put them off.

Senator MUNDT. You have to have a man working all the time?

Mr. KOHLER. Continuously, sir, yes, sir. It is interrupted, it is intermittent, and many men have been there many years and have lived long and happy lives under those circumstances.

Senator MUNDT. In other words, am I correct in understanding you to say that in this enamel shop process, you have to have a man there for 8 hours, who has certain functions to perform; sometimes he is working and sometimes he is watching?

Mr. KOHLER. Yes, sir.

Senator MUNDT. And he has to snatch a bit to eat while he is watching?

Mr. KOHLER. Well, he doesn't need to do much snatching. While he is waiting, he lunches.

Senator MUNDT. Is this a common practice in the plumbing industry, or do you have some peculiar, unique system of fabrication, whereby you have a different procedure or process?

Mr. KOHLER. As far as I know, the process is similar. It is common to all manufacturers of bath tubs of enameled bath tubs, who make them of cast iron.

Senator MUNDT. In other words—

Mr. KOHLER. This is not a unique situation, sir.

Senator MUNDT. In other words, wherever they make bath tubs out of cast iron and put enamel on it?

Mr. KOHLER. And where enamel is a drying process, this is the arrangement, sir, where they operate three 8-hour shifts.

Senator MUNDT. So really the controversy resolves around how much pay they get or how long they work rather than whether they have lunch or not?

Mr. KOHLER. I think that is it, sir.

Senator MUNDT. Because it is a continuing process?

Mr. KOHLER. Yes, sir.

Senator MUNDT. On this matter of the trial examiner of the NLRB, if I understand your testimony, it is that the trial examiner's report is not a final finding of the NLRB unless the findings of the trial examiner, whether for you or against you still have to be adjudicated by the national Board?

Mr. KOHLER. Yes, sir.

Senator MUNDT. So you don't want to proposition any final determination of bargaining or settlement on something still in process of adjudication by the NLRB?

Mr. KOHLER. Yes, sir.

Senator MUNDT. Is that correct?

Mr. KOHLER. Yes, sir.



Senator MUNDT. And until they have ruled, you have no official finding, no terminal finding, as to whether or not the union is, in fact, a bargaining agent for the plant?

Mr. KOHLER. Yes, sir, that is it.

Senator MUNDT. I was interested in your description of goons, and the fact that you say a goon is a goon, no matter where he is, no matter for whom he works, or where he lives. I would like to ask you a question about goons. Is it your opinion, Mr. Kohler, that violence would not have occurred in this current strike had they not imported international UAW representatives from outside the State?

Mr. KOHLER. It is hard for me to say that, sir. I have a little hunch that that is true.

Senator MUNDT. You have what?

Mr. KOHLER. I suspect that that is true, that that violence was planned and directed from the outside. But there might have been some violence if they had not come.

Senator MUNDT. Obviously, it is something you couldn't say as a matter of fact, but just as a matter of opinion I am trying to find out from you whether in your opinion the importation of strike leaders or strike workers from outside tended to precipitate the violence.

Mr. KOHLER. Yes, sir. Those goons, the fellows who run the picket line, not only were there to keep the men who wanted to work away from work, but they directed their efforts to keep the union men in line. There was coercion there, as far as I could see, and I observed it for 54 days.

Senator MUNDT. Coercion of the union men themselves?

Mr. KOHLER. Yes, sir.

Senator MUNDT. That is all, Mr. Chairman.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Kohler, you stated that the propositions set forth by Judge Murphy were not acceptable or satisfactory either to the Kohler Co. or to the union. I want to call attention to the fact that the record bears this out. Senator Kennedy questioned Judge Murphy for some time, just as reported here.

As he finished, I called attention to the fact that in the NLRB hearing, at page 1412, Mr. Mazey testified as follows and I quote:

The meeting was opened by Judge Murphy who began to state that he thought the basic differences between the union and the company were what the issues in dispute were at the time, and as I recall, Judge Murphy said that the question of wages, a general wage increase, the question of arbitration on return of strikers to jobs, were the three main issues that were keeping the union and the company from reaching a settlement.

I am still quoting Mr. Mazey.

I disagree very sharply with Judge Murphy.

There is a little more there, but it is already in the record, in our transcript at page 1543 and 1544, so it can be referred to. That conversation took place on about September 28th or 29th, 1954.

After I finished, Judge Murphy said:

You are refreshing my recollection very well, and I am quite sure that in real substance the statement was made by Mr. Murphy at the court house in Sheboygan,

That bears out your statement that it was not satisfactory to you that the time.

(At this point, Senator Kennedy entered the hearing room.)

Senator CURTIS. I merely brought that up to clarify the record here. I have deep respect for the opinion of everyone at this committee table. For my part, I would not ask either side to submit to any procedure to force a settlement. I believe that the freedom of contract is very basic and necessary in the interest of the working people of the country, because if a committee or an agency of Government can compel a settlement or a contract that is satisfactory or favorable to the union, that same Government agency can, at a later time, force a settlement or a contract that is unfavorable to labor.

I just do not believe the Government should have that power. I think the freedom of contract is something that is precious to the workmen, as it is to management.

I wish to ask a question, and then I will be finished. The purpose we are holding this investigation is to determine what extent violence is occurring in our labor-management field disputes. While we have had no admissions, there is considerable evidence pointing as to who was responsible for many of the acts complained of, except the acts of vandalism in people's homes, which happened at night. I want to ask you: Did Kohler Co., any officer, any employee, any agent, or any other person acting in their behalf, in any way or manner promote, take part, finance, or instigate these acts of vandalism that were committed on people's homes in the nighttime?

Mr. KOHLER. We did not.

Senator MUNDT. What would you have done to anybody in your company if you had found them doing it?

Mr. KOHLER. We would have thrown him out on his ear.

Senator MUNDT. That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Are there any other questions?

The Chair hears none. Do you wish to make any further statement before you leave?

Mr. KOHLER. No, sir. Thank you very much, sir.

The CHAIRMAN. Are there any other witnesses for today?

Mr. KENNEDY. No, I believe not.

The CHAIRMAN. All right. Thank you very much, sir.

You are excused.

The committee will stand in recess until 11 o'clock in the morning.

(Whereupon at 3:03 p. m. the hearing was recessed, to reconvene at 11 a. m., Thursday, March 27, 1958, with the following members present: Senators McClellan, McNamara, Kennedy, Mundt, Curtis, and Goldwater.)

# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, MARCH 27, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE  
LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 1:30 p. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska; Senator Pat McNamara, Democrat, Michigan; and Senator Barry Goldwater, Republican, Arizona.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; and Ruth Young Watt, chief clerk.

(At the time of the reconvening, the following members were present: Senators McClellan, Curtis, Mundt, Ives, Goldwater, Kennedy, and Ervin.)

The CHAIRMAN. The committee will come to order.

Before we begin, the Chair will make this observation or announcement. It is quite probable that during the proceeding this afternoon, the committee hearings will be interrupted by rolleall votes in the Senate. That will necessitate our having to recess briefly until the members of the committee can go over and vote.

We shall plan to run the hearings this afternoon rather late. If it appears that we can conclude with the principal witness this afternoon, we may continue even later than we now contemplate.

If we find we cannot conclude with the principal witness scheduled to be heard this afternoon, it may be necessary for us to go over until tomorrow.

But it is hoped that we can expedite the further testimony during this series of hearings and bring them to an early conclusion.

All right, Mr. Counsel, call the next witness.

Mr. KENNEDY. Mr. Walter Reuther.

The CHAIRMAN. Mr. Reuther, will you be sworn, please? You do solemnly swear the evidence you shall give before this Senate Select Committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. REUTHER. I do.

# TESTIMONY OF WALTER P. REUTHER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please, sir.

Mr. REUTHER. My name is Walter Philip Reuther. I am the president of the United Automobile Workers Union. I reside in Detroit, Mich.

The CHAIRMAN. You have counsel representing you?

Mr. REUTHER. I do, sir, Mr. Joseph Rauh.

The CHAIRMAN. Thank you. We are all acquainted with Mr. Rauh.

Do you have a prepared statement, Mr. Reuther?

Mr. REUTHER. Mr. Chairman, 5 weeks ago, at the request of your staff, I was asked to submit a prepared statement, which I did. I would like at this time to submit that for the record. Your committee was given copies of this some 5 weeks ago. Then I would like the privilege, if I may, to make a few observations orally.

The CHAIRMAN. The statement, as I recall, was submitted quite some time ago. It was not placed in the record at that time because the witness was not heard. I think the witness' request should be granted. The statement should be printed in the record at this point in full, and the witness given an opportunity to highlight his statement if he so desires.

Is there objection?

The Chair hears none and it is so ordered.

## STATEMENT PREPARED BY WALTER P. REUTHER, PRESIDENT, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS UNION OF AMERICA FOR PRESENTATION TO THE SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. Chairman and members of the committee, I appreciate very much this opportunity to appear before your committee on the matter of the Kohler strike and boycott.

I, and the other witnesses representing the UAW who are here with me, appear here voluntarily. We have not been subpoenaed. We have not been compelled to attend or to testify.

In fact, we have, on a number of occasions, requested this opportunity. We shall testify fully and freely without resort to the fifth amendment or any other constitutional privilege because we have nothing to hide.

Not only has the UAW cooperated with every request of this committee to the utmost of our ability, but the UAW in advance of the creation of this select committee of the United States Senate urged by executive board action on January 18, 1957, that such a committee be established for the purpose of investigating into corrupt and improper practices in the fields of labor or management—copy of this resolution is attached. Officers and members of the UAW have been available to your investigators and documents or records have been opened or made available, all in an effort to give your committee the full facts concerning the activities of the UAW.

### THE UAW IS A CLEAN UNION

Before I discuss the matters specifically before your committee today, however, I should like to make clear at the outset, that the UAW is a clean, democratic, honest, and effective trade union.

We do not claim that our union is perfect, for no human institution made up of imperfect human beings can be perfect. We do claim, however, that we learn from our mistakes, that we attempt to correct any errors and that we constantly try to achieve a more perfect union.

Our union, made up of approximately 1,500,000 members in the United States and Canada, consists of more than 1,200 local unions, which are governed by their members and more than 40,000 local union officers ranging from shop

stewards and committeemen to local union presidents, all of whom are democratically elected by the membership.

The members of each local union also democratically elect the delegates to the UAW International Union conventions, which are held every 2 years. The more than 3,000 duly elected delegates from the local unions determine the major policies and programs as well as elect the international officers and regional directors who comprise our executive board.

Between conventions, the policies of our union are implemented by the UAW international executive board. This international executive board consists of the president, secretary-treasurer and 4 vice presidents elected from the union as a whole, and 19 members elected as regional directors by the respective geographical regions of the UAW throughout the United States and Canada.

The leadership of the UAW with the full support of the rank and file membership has actively supported the efforts of the AFL-CIO to cleanse from its ranks, the corrupt leadership of those who betray the trust to the membership and who would use the labor movement as a source for improper activities and personal gain.

Specifically, the leadership of the UAW with the support of the rank and file members gave active leadership and support to the efforts of the executive council of the AFL-CIO to formulate and implement the ethical practices codes which now form the basis of the AFL-CIO's activities in this field.

The UAW not only gave wholehearted support to the formulation of these ethical codes but what is more important, the UAW has lived by these codes, and we have during the past years rigorously applied them to our own conduct.

Every officer of the UAW—from the local level to the international—is democratically elected.

Every penny in dues or initiation fees that has ever been collected by the UAW has been spent to advance the interests and welfare of the rank and file membership and has been fully and carefully accounted for in detailed reports made public and mailed to the full membership.

The UAW has never had "paper locals" nor has it ever issued "hunting licenses" to any individual or group.

The UAW has always sought to use every penny negotiated in collective bargaining for welfare fund purposes to purchase the maximum insurance, hospitalization, medical and similar benefits for workers and their families and has never permitted brokers or anyone inside or outside of the union to misuse these funds which belong solely to the workers and their families.

The UAW's constitution bars from local union or international office Communists, Fascists, crooks, or racketeers who would corrupt or subvert the true purposes of a free labor movement.

No UAW officer has conflicting investments in any firm with which our union bargains collectively or purchases materials, supplies, or services. No officer of our union has ever received a kickback or bribe from anyone.

No officer of the UAW has grown rich at the expense of the union or the membership. No officer of the UAW has charged his personal or private purchases or gifts or entertainment to the union treasury. No officer of the UAW has ever received or accepted expensive or lavish gifts from the international union, its locals, or any management source.

The UAW's financial records and books are audited at least twice a year by certified public accountants. These detailed outside audits are made public and are available to every UAW member.

Three trustees elected by the delegates to the UAW convention also supervise and check the international's financial procedures.

Upon learning that the Senate select committee had made a definite decision to hold these hearings, I made a private individual decision to request the staff of your committee to look into my personal financial affairs.

On January 27, 1958, I wrote Mr. Robert F. Kennedy, chief counsel for the Select Senate Committee on Improper Activities in Labor or Management, requesting that he assign investigators to check into my personal financial affairs, even though at that time, to my knowledge, no one from your committee had made an effort to inquire into my personal financial affairs. (Copy of letter attached.)

There are no second-class members in the UAW. Every member, regardless of race, color, religion, nationality, sex, ancestry, age, financial status or any other factor, has the right to speak freely at UAW meetings, to seek office, unless barred by our prohibition against Communists, crooks, and racketeers, to criticize his officers at all levels, and to vote in secret elections for his local union officers and delegates to international conventions.

Nor does the UAW have any "sweetheart contracts" with employers, nor have we neglected the essential economic interests of its membership.

In short, the UAW not only is in full compliance with the letter of the AFL-CIO's ethical practices codes, which have been praised by this committee, but its constitutional provisions and actual day-to-day practice are in the best spirit of those codes.

Although the UAW did not need the ethical practices code—or this committee—to teach us how to be democratic, clean, honest and effective, we were, however, in the forefront of the efforts to establish the ethical practices codes of the AFL-CIO and to bring about the creation of the ethical practices code in the AFL-CIO and to insure their effective implementation.

Our union has had a long history of vigorous participation by an alert membership in all activities of the union. This is the source of our strength. In hundreds of UAW local unions throughout the Nation, hundreds of thousands of rank and file UAW members met the challenge of both corruption and communism in our union.

These rank and file members demonstrated their loyalty and devotion to a clean, democratic, and dedicated union by standing up to the Communists and the racketeers—they outworked, they outfought, they outvoted the forces of communism and corruption to keep their union clean. It is no easy task to keep a large union free of corruption and free of Communist penetration, for the stakes are high and only through eternal vigilance of the rank and file can a union be kept free of these unsavory elements.

They are even today maintaining this constant vigilance against the encroachment of these evil forces.

#### UAW FIGHT AGAINST COMMUNISM, CORRUPTION, COMPANY SPIES, AND UNDERWORLD ELEMENTS

From its very inception, the UAW and its leadership have fought vigorously against the attacks and attempts at infiltration of diehard, antiunion managements in league with corrupt politicians and underworld elements.

The automotive industry and other industrial management groups with whom the UAW bargains were responsible for some of the most brutal chapters in the history of American labor in its struggle to win recognition.

The use of industrial spies, stool pigeons, and the employment of underworld characters to terrorize workers through physical violence was a common practice in the industries' efforts to block the legitimate organization of trade unions by the workers.

An earlier Senate committee report, the La Follette committee, is replete with the brutal facts of this tragic history of managements' attempt to block the right of American workers to win a fuller measure of economic and social justice through the building of free trade unions. We thank God that in the industries in which the UAW bargains this sad and tragic chapter in American history is essentially behind us.

As long ago as December 11, 1951, the UAW international executive board, many of whose members bear the physical scars of vicious beatings by company thugs and gunmen, made clear its intolerance of "racketeer and gangster control or influence" in the UAW.

We stated clearly that we would not tolerate organized implant rackets and gambling which were robbing our members of hard-earned wages and which might result in "corrupting the secondary leadership of our union."

The leadership of the UAW cooperated with the Special Committee To Investigate Organized Crime in Interstate Commerce, commonly referred to as the Kefauver committee, in its effort to put an end to implant rackets and gambling and to deprive the underworld of an operating base inside the industries under contract with our union. The findings of the Kefauver committee, more than a decade after the La Follette committee had completed its investigations, reflected the fact that there still remained a diehard antilabor management group who continued to employ either directly or indirectly gangster elements from the underworld for the purpose of intimidating and terrorizing trade unionists in order to block or weaken their pursuit of legitimate trade-union objectives.

UAW Public Review Board: (The members of the public review board are Rabbi Morris Adler of Detroit, Mich.; Msgr. George Higgins of Washington, D. C., of the Catholic Welfare Conference; Dr. Clark Kerr, president of the University of California; Dr. Edwin Witte of the University of Wisconsin;

Judge Wade H. McCree, Circuit Court of Detroit, Mich.; Bishop G. Bromley Oxnam of Washington, D. C., former president of the World Council of Churches; and Magistrate J. Arthur Hanrahan of Windsor, Ontario.)

In my report as president of the UAW to the delegates who attended our last constitutional convention in April 1957, and to the membership, I recommended on behalf of the leadership of the UAW, the creation of a public review board composed of seven outstanding public citizens from the United States and Canada. In my report setting forth this recommendation, I stated in part:

"The UAW is both democratic and clean and we intend to keep it that way. For some time, however, we have been giving consideration to providing a new step in the union's internal trial machinery and of reviewing the trial procedure at the local level in an effort to insure the fullest possible protection.

"The UAW is not perfect, but I think it can be said in all good conscience that we have tried to the best of our ability to make decisions, with respect to appeals within the trial procedure of our union, on the basis of fairness and honesty. The leadership of the UAW, while we have had no complaints on the conduct of the appeals procedure, does feel, however, that more and more the leadership of the labor movement must be prepared to have their stewardship and conduct of the affairs of the union under their leadership subject to public review. The leadership of the UAW is prepared to have its stewardship reviewed, and we are proposing the creation of a public review board for this purpose and to further strengthen and refine the internal machinery of our union to insure that the justice which comes from the union's internal appeal procedures, meets the standards of fairness and honesty consistent with public standards in a free society. The leadership of the UAW will propose further to the coming convention that the authority of the public review board be broadened to include the additional responsibility of acting as a public watchdog in our union to strengthen our efforts in our determination to continue to conduct the affairs of the UAW in accordance with the high ethical and moral standards for which the UAW has stood."

Based upon the recommendations of the UAW leadership, the UAW convention in April 1957, established a public review board.

The public review board, which has constitutional status, is empowered to review, to concur in, to modify or to set aside any decisions of the international executive board or the local unions related to any aggrieved member or subordinate body of the UAW. In addition, the public review board has the obligation to deal with any alleged violations of any AFL-CIO ethical practices codes or any ethical practices codes adopted by the international union. In such cases, the public review board has the right to initiate investigations of its own on any allegations that any officer of the UAW is in violation of any one of the AFL-CIO ethical practices codes or of the constitution of the UAW.

Copy of the UAW publication—A More Perfect Union—which outlines in detail the functions and the personnel of the public review board is attached.

#### UAW FIGHT AGAINST CORRUPTION IN THE LABOR MOVEMENT

The policy of the UAW of not compromising with either corruption or communism was translated into action in the other areas of the labor movement where the UAW had affiliation and responsibility.

When the CIO negotiated the merger agreement with the AFL in 1955, we wholeheartedly supported the inclusion in the merger agreement of an anti-corruption clause which declared:

"The merged federation shall constitutionally affirm its determination to protect the American trade-union movement from any and all corrupt influence and from the undermining efforts of Communist agencies and all others who are opposed to the basic principles of our democracy and of free and democratic trade unionism.

"The merged federation shall establish appropriate internal machinery with authority effectively to implement this constitutional determination to keep the merged federation free from any taint of corruption or communism."

Under this provision, the AFL-CIO Ethical Practices Committee was created after the AFL-CIO was born in December 1955. As a vice president of the AFL-CIO, I have joined with President George Meany and the other leaders of the AFL-CIO executive council in pressing for the adoption of the six codes of ethical practices to govern AFL-CIO affiliates and in taking prompt and decisive action against those few leaders who have betrayed their trust to their membership.

The forthright action of the AFL-CIO convention in implementing the ethical codes speaks for itself and clearly demonstrates the determination of the American labor movement to rid itself of the small minority of leadership who have proven themselves unfit and unworthy of leadership in a free labor movement.

This hearing: This hearing, we understand, has been called not to discuss the question of corruption or unethical practices engaged in by the UAW or any of its leadership but to review the events and activities as they relate to a legitimate strike which has been in progress in Sheboygan, Wis., for the past 45 months between the UAW and the Kohler Co. This strike of more than 2,000 workers at the Kohler Co. is a struggle of American breadwinners to win for themselves and their families both a measure of economic and social justice and a measure of industrial democracy on the job through a voice in establishing wages and working conditions. Kohler workers, by democratic decision, are on strike because their employer, the Kohler Co., has denied them both their economic equity and a voice in determining their conditions of labor.

The UAW, its officers and members are prepared to develop before your committee the full facts in the 45-month Kohler strike. It should be clearly understood, however, that the full story of the Kohler strike, with all of its many ramifications, has been fully explored and reviewed by the National Labor Relations Board. That agency has before it for adjudication the union's charges that the company has violated the National Labor Relations Act by refusing to bargain, causing and prolonging the strike, and coercing and discriminating against its employees. It also has before it the company's defense that the union and its members have engaged in conduct justifying the company's action. In the course of a hearing lasting more than 2 years, hundreds of witnesses subject to cross-examination gave testimony making up a record of more than 20,000 pages, with another 13,000 pages of exhibits. Thus a full and public record of the conduct of the parties in the Kohler strike has already been made before a properly constituted governmental tribunal.

NLRB Trial Examiner George A. Downing, who conducted the extensive hearings in this case, issued his findings and "interim decision" on October 10, 1957. A copy of the trial examiner's report is attached to this statement. This report was a vindication of the union's position and, most importantly, established that the union began its strike in support of legitimate economic demands and that the Kohler Co., in violation of its legal obligations, prolonged the strike from June 1, 1954, through the present by its continuing refusal to bargain in good faith.

The NLRB examiner's report declared: "\* \* \* what the evidence showed was that the futility was due to respondent's (the Kohler Co.) deliberate contriving; that respondent was bargaining not to reach but to avoid agreement; that it was seeking the union's complete capitulation, not simply for a normal contract term, but that pursuant to its announced intention 'to teach the union a lesson' (for having called the strike), it envisioned a settlement which would bring the company 20 years of labor peace, as had the 1934 strike. Thus, as charged by the union at one point during the September meetings, respondent was seeking to bargain for posterity, not for the terms of a contract. Instead of bargaining in good faith with intent to reach an agreement, respondent was intent on penalizing the union for having started the strike; and the penalty was not to be simple capitulation on contract terms but the reduction of the union to impotency as an effective bargaining representative of their employees."

This finding of the trial examiner, which constitutes under NLRB procedures a recommendation to the full Board, is presently before that full Board for its decision. The decision of the full NLRB should be forthcoming within the next several months and, of course, it in turn will be subject to review by the Federal courts.

We believe that the greatest care should be exercised by this committee so that whatever investigation it undertakes in this area will not in any way interfere with or jeopardize a fair and impartial review by the properly constituted governmental agency of the rights of all parties to the Kohler dispute. These rights at present rest in the hands of the quasijudicial tribunal designated by law as most properly qualified to judge them. We think it vital to a fair and just administration of the law that this tribunal be permitted to discharge its duty in a wholly impartial atmosphere. Thus, without questioning this committee's power to investigate improper activities in labor-management relations, we strongly urge that this committee respect a proper allocation of governmental



functions and not interfere with the process of the law by seeking to prejudge the pending Kohler case or otherwise to invade, under the cloak of investigation, the area of adjudication.

The UAW, during its 22 years of history, has negotiated many thousands of collective bargaining agreements with both large and small employers in the United States and Canada. The overwhelming majority of collective bargaining agreements have been negotiated in an atmosphere of good faith and good will on the part of both labor and management and were consummated without any interruption in production or any loss of time. It has been the policy of the UAW to make every effort possible to avoid strike action, and strike action has been resorted to only where workers, by democratic decision in accordance with the constitutional provisions of the UAW, have felt that strike action was justified in the face of management's refusal to grant the measure of economic and social justice to which workers felt that they and their families were entitled.

The UAW has made a consistent and, we believe, constructive effort to raise collective bargaining above the struggle of competing economic pressure groups. We have stated repeatedly at the bargaining table that we believe that free labor and free management have a great deal more in common than they have in conflict and that we can preserve freedom for labor or management only as free labor and free management learn to cooperate in preserving our free society in a free world.

We have formulated our collective bargaining demands and we have attempted to conduct ourselves at the bargaining table always mindful that we have a responsibility to all of the people of our Nation. The UAW, representing approximately 1½ million wage earners, has a responsibility to its membership and we have tried to carry out that responsibility.

We believe, however, that while both labor and management have separate responsibilities to their separate groups, they also have a joint responsibility at the bargaining table to the whole of our society and to all of the people, and that this joint responsibility transcends in importance the separate responsibilities of either labor or management.

The UAW has contracts with hundreds of small companies as well as with large ones. We are not unmindful of the special problems of smaller concerns and our practical collective bargaining over the years has reflected this attitude to the benefit of both management and labor.

We have recognized the interrelationship of all economic groups in our society and we have made repeated efforts at the bargaining table to protect the equity of consumers whom we feel have a right to share in the fruits of our advancing technology as do stockholders and wage earners. We gave this socially responsible principle practical application in the negotiations in 1945 and 1946 with the General Motors Corp. when we stated that we were prepared as a union to negotiate or arbitrate our wage demands on a basis that would not reflect even 1 cent in a price increase to American consumers. We have advanced this concept at the collective bargaining table of the interdependence of workers, consumers, and stockholders and their right to share in the growing abundance made possible by automation and the new tools of technology not only as a matter of economic justice but as a matter of economic necessity.

The members of our union have learned by hard practical experience that when the consumer is short-changed and when he is priced out of the market by unjustified price increases, that the wage earner and his family are ultimately penalized by layoffs and unemployment.

We have not viewed collective bargaining as an isolated function of labor and management. We believe that the test of the soundness of any collective bargaining decision is to be measured in how it advances and promotes the public welfare.

The UAW has been for more than 2 decades the successful partner with thousands of employers in the consummation of legal, voluntarily and democratically arrived-at agreements that cover wages and working conditions. Yet, never in our long experience have we encountered an employer so possessed of fear and prejudice against human beings who seek to assert their inherent rights and the enjoyment of human dignity as the Kohler Co.

As was noted in Life magazine just a few months ago:

"For many years the Kohlers, in running their family business, have been sedulous practitioners of old fashioned paternalism or father-knows-bestism.

"When the grandfathers of Sheboygan came to America, they brought with them the memory of the landlord-peasant relationship they had known in

Germany. They had rebelled against this relationship in its harshest forms, but they were not unwilling to accept it in a watered-down version. At the Kohler Co., they slipped into it easily and a long time passed before they began to think there was anything uncomfortable or undignified about it."

The Kohler strike is about people. It is about the more than 2,000 Kohler workers who resolved democratically to throw off the yoke of industrial feudalism so that they too could enjoy the rights, the freedom, and the dignity at their work place enjoyed by millions of other workers.

The men and women of local 833 have served notice on the Kohler Co. that it is not living in the Middle Ages, in some remote corner of the world far from the mainstream of life.

The striking members of local 833 are free men and women with God-given dignity, with rights guaranteed by the Constitution and the laws of the United States of America.

And no man, even if burdened with the kindest of intention, as is transparently not the case here, has a legal or moral right to set himself above the laws of society, the laws of elemental human decency, in his attempt to dictate to workers what he thinks is best for them. As one striking Kohler worker was reported by Life magazine as saying: "Nobody says Herb is a bad-hearted man. He's not mean. He just tromps on us out of habit."

To outline all the pertinent information before this committee would require many weeks and even months of testimony by hundreds of persons who are familiar with the details of the dispute. This is evident from the fact that the hearings before the Labor Board on this very case consumed over 2 years, filling more than 20,000 pages of testimony.

It may be difficult to understand the real basis of the dispute and all the events that have occurred since the UAW became the democratically chosen and legally certified bargaining agent for Kohler workers, because it is extraordinarily complex.

In reviewing the facts in this dispute, it is of utmost importance that your committee does not get lost in a forest of detail and lose sight of the basic issues involved in the strike. It is absolutely essential to fully understand the Kohler strike to keep in mind one central, uncomplicated fact—that the Kohler Co. forced this strike, has prolonged it and has no genuine desire to settle it. The company's purpose during the 45 months of the Kohler strike has been to break the strike and to destroy the local union at the Kohler plant.

In the words of the NLRB trial examiner, the Kohler Co. " \* \* \* was bargaining not to reach but to avoid agreement \* \* \* instead of bargaining in good faith with intent to reach an agreement. Respondent was intent on penalizing the union for having started the strike; and the penalty was not to be simple capitulation on contract terms but the reduction of the union to impotency as an effective bargaining representative of their employees." As we have stated earlier, the UAW does not claim perfection. We do insist, however, that in the Kohler situation the UAW made every possible effort to avoid the strike before it started and we have made every effort to settle the strike short of total capitulation.

This has been a long, bitter, and costly strike, and it is important that your committee not only review isolated incidents which may have taken place during the 45 months, but of greater importance to attempt to understand where the prime moral responsibility rests for the strike having started and for its continuation. Your committee and the public should attempt to consider whether it was the Kohler Co. or the Kohler workers and their union who failed to conduct themselves in accordance with accepted standards of morality and who failed to carry out their economic and social obligations associated with free collective bargaining.

We believe that an objective and impartial review of the facts will demonstrate beyond challenge that the Kohler management was responsible for the strike taking place and for its continuation.

The facts will show that the Kohler management refused to negotiate in good faith, refused to mediate, and refused every offer of arbitration. If, as charged by Mr. Kohler in his speeches and by the propaganda of the Kohler Co., the union had made unreasonable and unsound demands upon the company of a character that justified the kind of resistance reflected in a 45-month strike, then why was the corporation unwilling at any time to submit the merits of its contention to an impartial board of arbitration as the union was prepared to do?

The tragedy of this situation in a real sense lies in the fact, as Life magazine

so well pointed out in its article, that one man, Mr. Herbert V. Kohler, who exercises absolute control over this company, seems to be completely obsessed with the belief that he, almost single-handedly, is defending what he considers to be the vanishing frontier of individual freedom. He is so completely obsessed that he has rejected every reasonable offer to terminate the strike as he fanatically defends a system of industrial feudalism completely out of touch with the realities of modern labor-management policies and relations.

Specifically, they are:

1. That provision of the Taft-Hartley law, as presently interpreted and applied by the National Labor Relations Board, which permits an employer, motivated, as was Kohler, by a clear purpose to destroy a union among its employees, to recruit strikebreakers and simultaneously petition the National Labor Relations Board for an election.

When such an election is held, often within a few months after the outbreak of a strike, the strikers are effectively disfranchised from voting in the choice of a bargaining agent. Men and women with as much as 30 and 40 years of seniority are completely disregarded in this choice, while strikebreakers, often deliberately recruited for the purpose of breaking the union, are given the votes that morally, if not legally, should certainly remain with those employees striking for a modicum of economic justice.

President Eisenhower and Secretary of Labor Mitchell have both decried this particular provision of Taft-Hartley as a union-busting provision. This provision, which provides antilabor managements with an effective weapon to destroy unions, should be abolished.

2. While the Taft-Hartley Act prohibits intimidation and coercion by an employer of his employees, it does nothing to prevent preparation for the most violent type of intimidation and coercion such as the Kohler Co. has engaged in. As the Wisconsin Employment Relations Board has stated in the Kohler case:

"There was testimony by the president of the company to the effect that the company had equipped and has in its plant a small arsenal. He testified that there were clubs and guns provided for in the plant. His testimony also indicated that either there were tear bombs provided for in the plant, but if not, the presence of tear gas bombs would have his approval.

"With all the legislation on the books today, both Federal and State, aimed at protecting not only the rights of employees and employers in labor disputes but the rights of the public as well, it seems inconceivable that in a forward-looking community in a State as progressive as the State of Wisconsin any employer would feel it necessary to resort to self-help by the means of arms, ammunition, and tear gas bombs.

*"There is no possible justification for an employer today to resort to the use of such means in any strike."* [Emphasis supplied.]

Nonetheless, inconceivable though it may be, Kohler's preparation of an arsenal and training of a small army in preparation for what is supposed to be peaceful, reasonable, good-faith bargaining, was no violation of any Federal law, let alone of any Federal labor code. It certainly should be.

3. There is a crying need for legislation to speed up the processes of the National Labor Relations Board. This strike began on April 5, 1954. The union filed unfair labor practice charges almost simultaneously with the commencement of the strike.

The recommendation of the National Labor Relations Board trial examiner did not come down until October 1957, and the final decision of the National Labor Relations Board in this matter can probably not be expected for several more months.

Even then the matter will not have been finally adjudicated, since the Kohler Co. could still appeal an unfavorable decision to the courts, thus providing further delay before a final decision. In a practical sense, justice so delayed is justice denied.

The nature of the unfair labor practices charges in this case, supported by the National Labor Relations Board examiner's findings and recommendations, indicate the lasting harm of this serious timelag.

Perhaps if the National Labor Relations Board had been able to make a final finding on the company's refusal to bargain at an early stage in this strike, it might have done something to relax the company's rigidity.

In the case of any normal company, it certainly would have provided a substantial motivation for sincere good-faith bargaining. Perhaps even with the Kohler Co., it might have made Mr. Kohler blush a bit in his circuits about the

country during which he seemed to have infinite time to unjustly and falsely denounce the union and confuse the issues of the strike, though he apparently had no time to bargain in good faith.

One way of speeding up these procedures and preventing a freezing of approach by the recalcitrant party through the mere lapse of time, would be to apply the mandatory injunction provisions of section 10 (1) of the National Labor Relations Act to substantial charges of deliberate refusal to bargain.

For all the vaunted impartiality and equal treatment which Taft-Hartley allegedly gives to both sides of a dispute, there has never been any effort to deny the basic injustice and inequity whereby section 10 (1) instructs the National Labor Relations Board General Counsel to seek a temporary injunction in Federal court whenever a union is charged with violating certain unfair labor practice provisions of the act, though no such instruction is contained against any company violations, no matter how flagrant or vicious they may be.

It is true that section 10 (j) permits the General Counsel to seek injunctive relief whenever any unfair labor practice charge is filed against any party, but, in the 10 years in which the act has been operative, the General Counsels have used this power very sparingly, and then usually against unions. Only in the most isolated case is the 10 (j) power used at all.

Perhaps the reason is the contrast between section 10 (1), which singles out certain union offenses and instructs the General Counsel to proceed, and section 10 (j), which merely permits him to proceed in any case.

In any event, it would certainly seem that whatever the justification for instructing the General Counsel to proceed against unions in certain types of secondary boycott and similar situations, there is at least as much need for the General Counsel to be instructed to proceed to seek a temporary injunction in flagrant refusals to bargain which provoke and prolong strikes.

If such an injunction had been sought and granted in this proceeding, it is quite possible that this strike might have been settled on some reasonably satisfactory basis many years ago. I need not remind this committee of the hardship and suffering of the thousands of Kohler strikers that such a settlement would have prevented.

4. The Kohler strike has highlighted the definite need for legislation forbidding the Government from contracting with strike-bound companies.

In this case, during the very years when the Kohler Co. had been charged by the National Labor Relations Board with serious unfair labor practices, the company was receiving a large share of its business from the Department of Defense. It is a tragic state of affairs when a company which so flagrantly and blatantly violates the public policy of the United States is, in effect, subsidized by that same United States during the course of its disregard of public policy.

In any event, withholding of Government business from strike-bound companies, particularly those charged by the National Labor Relations Board with violation of Federal law, is much closer to true neutrality than subsidization of those companies through Government business at the very time they are importing strikebreakers and violating Federal policy.

5. Perhaps the most important of our legislative recommendations is that the committee give some consideration to the problem produced by the importation of strikebreakers by recalcitrant employers, perhaps through amendment and expansion of the so-called Byrnes Act (18 U. S. C., Chapter 57, Sec. 1231) dealing with the transportation of strikebreakers across State lines.

You might well examine also the procedures developed by other free nations of the world for dealing with this problem, which is so often the provocation of and precipitation to violence.

It is one thing for a strike-bound company to urge its own employees to continue working or to return to work. It is quite another—and more reprehensible—thing for a company to recruit strangers and strikebreakers in an attempt to bust a legal, legitimate strike voted in a democratic manner by the overwhelming majority of its employees.

If, as I am sure it will, the committee gives careful consideration to this overall problem, I believe this hearing, though out of the normal area in which the committee has operated thus far, will prove to be one of the most important the committee has conducted, and will lead to results which could be every bit as beneficial as any legislation the committee might propose to deal with the problems growing out of other areas of labor-management relations.

**RESOLUTION ON CONGRESSIONAL INVESTIGATION OF RACKETEERING AND CORRUPTION  
ADOPTED BY THE UAW INTERNATIONAL EXECUTIVE BOARD, JANUARY 18, 1957,  
DETROIT, MICH.**

Whereas one of the most challenging and compelling problems confronting the united labor movement is the elimination from its own ranks of the small minority of people in leadership engaged in gangster and racketeering activities and others who exploit their positions of leadership in the union for their own selfish purposes.

The American labor movement came into being as an economic and social agency through which millions of workers, joining together and pooling their strength, their will, and their determination, could find answers to their common problems. The history of the American labor movement is rich in its record of thousands of dedicated men and women who sacrificed and struggled in an effort to implement the principles of human brotherhood and to win for workers and their families a fuller measure of economic and social justice.

The American labor movement can carry out its historic mission and meet its broad economic and social responsibilities to its members and their families and to the whole of our free society only as it maintains its idealism and keeps the values of human service untarnished and uncorrupted. In our free society, having as its prime economic motivation an acquisitive philosophy which too often measures success by the acquisition of material wealth, the American labor movement must be eternally vigilant to guard against having the idealism and human motivations of the labor movement corrupted and compromised by the unethical standards of the market place. Making a fast buck in the market place may mark one as a sharp businessman, but using one's position of leadership in the labor movement to make a fast buck is contrary to the basic principles which have been the source of the spiritual strength and the common dedication of the free labor movement.

Failure to uphold these high standards will cause the American labor movement to deteriorate into a narrow economic pressure group and make it incapable of discharging its broad economic and social responsibilities measured in terms of the needs of our whole society.

Accordingly, in order to achieve these objectives and principles, the constitution of the AFL-CIO states in part that one of its purposes is "to protect the labor movement from any and all corrupt influences and from the undermining efforts of Communist agencies and all others who are opposed to the basic principles of democracy and free and democratic unionism."

The practical implementation of this objective means that there will not and there must not be tolerated within the leadership of the united labor movement either Communists or crooks, for both represent forces which are incompatible with both the principles and the objectives of a free labor movement.

The overwhelming majority of the leadership of the American labor movement is composed of honest, decent, loyal, and dedicated people, but unfortunately there is a small corrupt minority who exploit their positions of leadership and power, who are engaged in activities of racketeering and corruption and who besmirch and blacken the good name of the entire labor movement.

The decent people in the American labor movement have a responsibility and obligation to protect the whole labor movement from the corrupt and unscrupulous few who, if permitted to go unchallenged, will weaken and destroy the American labor movement.

To effectively implement the principle and the objective of keeping the American labor movement free of corrupt influences, the constitution of the AFL-CIO, which provides for the establishment of the ethical practices committee, states:

"The committee on ethical practices shall be vested with the duty and responsibility to assist the executive council in carrying out the constitutional determination of the Federation to keep the Federation free from any taint of corruption or communism, in accordance with the provisions of this constitution."

The committee on ethical practices, designated by President George Meany, is fortunate to have as its head, President Al Hayes of the International Association of Machinists; and as members, President Joseph Curran of the National Maritime Union; President David Dubinsky of the International Ladies' Garment Workers' Union; President George Harrison of the Brotherhood of Railway Clerks; and President Jacob Potofsky of the Amalgamated Clothing Workers Union, all men of high caliber and unquestioned integrity and dedication to the ideals of the free labor movement.

The ethical practices committee deserves the congratulations of all those who believe in clean and decent trade unionism for the beginning which the committee has already made in dealing with the problem of corrupt influences within the American labor movement, despite the necessarily limited authority at its disposal.

We believe that the sincere determination that President Meany and the members of the ethical practices committee, to move effectively and with dispatch to meet this problem, can be immeasurably assisted by a congressional committee conducting an objective and impartial investigation into the incidents of labor racketeering and corresponding employer collusion with labor racketeers and gangsters.

A congressional committee has several indispensable assets which the ethical practices committee does not have by the very nature of its nongovernmental character, namely the power to subpoena and to take testimony under oath.

We believe that close cooperation between a fair and objective congressional committee and the committee on ethical practices would make it possible to make maximum progress toward exposing corrupt influences within both labor and management and taking corrective steps both in the courts and inside the labor movement to meet this problem.

The data gathered by the fair and impartial investigation conducted by Senator Douglas' investigative committee has already facilitated the work of the ethical practices committee by placing in its hands valuable evidence which it could not have secured on its own under oath.

These limitations on the authority of the ethical practices committee can create serious, if not insurmountable, obstacles to the committee's work and a fair and objective congressional investigation would be a means of overcoming these obstacles: therefore, be it

*Resolved*, That the International Executive Board of the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, at its meeting on January 18, 1957, urges the AFL-CIO Executive Council at its meeting which convenes on January 28, 1957, to give consideration to the advisability of urging Congress to authorize an appropriate congressional committee to conduct a thorough and exhaustive investigation into corruption and racketeering in all phases of American life and to expose without fear or favor, corruption in labor, in industry, and all other aspects of the problem; and, be it further

*Resolved*, That we urge the AFL-CIO Executive Council to assure the Congress that any such committee bent upon getting the facts and of conducting a fair and objective investigation with respect to corruption, racketeering and gangsterism in labor, in industry, and in business will receive the full cooperation of the AFL-CIO and its ethical practices committee.

JANUARY 27, 1958.

Mr. ROBERT F. KENNEDY,

*Chief Council, Select Senate Committee on Improper  
Activities in Labor or Management,  
Washington, D. C.*

DEAR MR. KENNEDY: Mr. Jack Conway, my administrative assistant, has advised me of his conversation with you concerning the forthcoming hearings involving the UAW and the Kohler Co. as it relates to the Kohler strike.

As we have advised Senator McClellan, we are prepared to cooperate in every possible way to facilitate a fair and objective hearing of all the facts. I have asked Mr. Conway to continue to cooperate with your office and your staff so as to make available any pertinent information or data which you may need for those hearings.

In addition to cooperating in every possible way to facilitate your work as it relates to the activities of the UAW as an organization, I have repeatedly indicated a willingness to have the committee check into my personal financial matters. To date, to my knowledge, no one from your committee has made any efforts to inquire into my personal financial affairs and I can understand the reluctance of the committee to do so in the absence of any question or allegation being raised concerning my personal affairs.

Since as president of the UAW I will undoubtedly be involved in the Kohler hearings, I would feel much more comfortable if in advance of the hearings you would find it possible to assign a member of your staff to check into my

personal financial affairs. I should be most happy to cooperate with such an investigation and will make available to your staff all of my personal financial records.

Sincerely yours,

WALTER P. REUTHER,  
*President, International Union, UAW.*

#### RESOLUTION No. 131, KOHLER AND O'SULLIVAN BOYCOTT

Two heroic groups of workers have carried on historic battles for long periods of time for dignity and economic justice against arrogant and despotic employers who have used the worst features of the Taft-Hartley Act to resist the legitimate demands of their employees.

These workers are the more than 3,000 members of the United Auto Workers Local 833 in Sheboygan, Wis., who were forced out on strike at the Kohler Co. on April 5, 1954, and the 400 members of local 511, United Rubber Workers, who have been on strike since May 13, 1956, against the O'Sullivan Rubber Corp., of Winchester, Va.

In the case of the Kohler strikers, the company was found guilty recently of repeated and flagrant unfair labor practices and violations of the Taft-Hartley Act throughout the more than 3½ years of this strike, but still has refused to settle the dispute as it has refused every other effort by the UAW and impartial persons to negotiate, mediate, or arbitrate settlement of the strike.

From its original accumulation of an illegal arsenal of guns, tear gas, and other weapons in advance of contract termination, through its refusal to bargain in good faith and its discharge of the union leaders, up to its most recent refusal to settle the strike on the basis of the NLRB examiner's findings, the Kohler Co. has clearly indicated its intention to wipe out the union. The Taft-Hartley law has been toothless in the face of Kohler's defiance.

In the case of the 400 members of the United Rubber Workers on strike for the last 19 months at the O'Sullivan Rubber Co., that company has consistently refused to consider a fair and reasonable contract which would provide a better standard of living for its members than the \$1.39 average hourly wage paid by the company.

Workers at this company had clearly evidenced their desire to be represented by the United Rubber Workers when they voted in an NLRB election on May 13, 1956, 343 for the URW to 2 for no union.

The company hired strikebreakers when the O'Sullivan workers voted 355 to 2 to strike for a decent contract. The company then invoked the union-busting section 9 (c) of the Taft-Hartley law, under which only the scab replacements can vote on whether or not they want the union continued.

Naturally, with the strikers looking on, but not voting, the scabs voted for no union.

The entire American labor movement has recognized from the outset of both the Kohler and O'Sullivan strikes not only that the cause of these workers is morally right and economically sound, but that the very life of the labor movement is at stake if these anti-labor employers are permitted to utilize the scheme, tricks and devices of Taft-Hartley to destroy our unions.

Because of his recognition, the strikers at Kohler and O'Sullivan have had not only strong support from the American labor movement, but also have benefited from nationwide consumer boycotts of the scab-made plumbware of Kohler and the heels, soles and other products of O'Sullivan.

The legal primary boycotts of these scab-made products is the sole major avenue open to the labor movement to show its continued solidarity with the Kohler and O'Sullivan workers and the refusal to tolerate 19th century employer dictatorship in a 20th century era of human progress: Now, therefore, be it

*Resolved*, That this second biennial convention of the American Federation of Labor and Congress of Industrial Organization hereby commends the heroic workers at the Kohler and O'Sullivan companies for their courage and determination to achieve a better way of life for themselves, their children and their fellow Americans.

This convention calls upon the officers and members of all its affiliated unions to continue to lend full moral and economic support to the Kohler and O'Sullivan strikers in their resistance to economic and legislative feudalism.

This convention of the AFL-CIO emphasizes its renewed support of the consumer boycott campaigns being waged against these two companies.

We again call upon Congress to repeal the anti-labor provisions of the Taft-Hartley Act which have been so clearly demonstrated in the Kohler and O'Sullivan strikes.

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**THE KOHLER CO. PROVOKED THE STRIKE, PROLONGED THE STRIKE, AND HAS  
REJECTED ALL EFFORTS TO SETTLE THE STRIKE**

1. The facts are that during the period of the first contract, while the union was striving to help build a new, constructive and peaceful labor-management relationship, the company was in fact preparing for war and had secretly purchased and illegally placed in the plant a sizable arsenal of weapons, including 12-gage shotguns, hundreds of rounds of ammunition, gas guns with both short- and long-range tear-gas shells.

In addition they had acquired 300 cots, blankets, food and provisions and had cut down to "billy" size, a quantity of clubs left over from the 1934 strike.

The company also had ready for installation gun emplacement towers with intricate lighting equipment.

The earliest possible date under the contract for the company to serve notice of contract termination would normally have been December 31, 1954. The Kohler Co., however, jumped the gun and on December 12, 1954, served notice, terminating the contract effective March 1, 1954, which subsequent events showed was the company's declaration of war, for which they had been preparing.

2. The facts are that the union, in an effort to avoid a strike, proposed the extension of the contract beyond the terminal date which the company had imposed, so that negotiations could continue, but the company refused to extend the contract even for 1 day.

3. The facts are that in a further effort to avoid a strike the union, upon the contract's termination, requested the Kohler workers to continue to work without a contract, hoping that through continued negotiations we could reach a settlement and avoid a strike.

4. The facts are that during the 5-week period when the Kohler workers worked without a contract and the union was making every effort to avoid a strike, the company stepped up and made more obvious its preparations for war, and under the guise of a civilian defense program actually armed and mobilized a private army, trained with the use of modern weapons, including machine guns, as revealed in sworn testimony before the National Labor Relations Board trial examiner.

5. The facts are that the company refused to negotiate in good faith and that the company went through the bargaining motions not to bargain an agreement, but "to avoid an agreement," knowing that ultimately, refusal to agree would force a strike.

6. The facts are that a strike was called on April 5, 1954, after months of fruitless negotiations and extreme provocation, and only after Mr. Herbert V. Kohler had refused to bargain further, stating in a letter to local 833: "There is no point in further negotiations."

7. The facts are that the strike was called only after a membership meeting attended by more than 2,000 Kohler workers on March 14, 1954, voted to reject the company's final offer, in a democratic secret ballot vote in accordance with the constitution of the UAW, and by a vote of 88.1 percent requested strike authorization from the International Union UAW.

8. The facts are that in advance of the strike the union notified the company by letter, setting a strike deadline and at the same time offering to sit down with the company and work out an orderly procedure by which necessary maintenance personnel and other personnel essential to the protection of the safety of the plant could be made available during the period of the strike. This sensible arrangement, which has been followed in hundreds of other disputes throughout American industry, was rejected by the Kohler management, who continued their program of provocation and the mobilizing of their private army, including the actual erection of gun emplacement watchtowers with newly installed intricate telephone systems, high-powered searchlights, and numerous barricades at strategic points.

It was in this climate that the strike began and the Kohler workers took their place on the picketline, feeling that there was some safety in numbers,



because they remembered that in 1934 the company broke the strike by the use of armored trucks, tear gas, and guns, which took the lives of 2 workers, and injured 47.

9. The facts are that after the strike began, the company continued to refuse to bargain in good faith; as the National Labor Relations Board examiner found, the company "was bargaining not to reach, but to avoid agreement."

10. The facts are that the company rejected every effort at arbitration, including the proposal made by the then Governor of Wisconsin, Mr. Walter Kohler, a nephew of Herbert V. Kohler, company president.

11. The facts are that the union, on several occasions, proposed arbitration, including the arbitrator be selected by President Eisenhower or Secretary of Labor James Mitchell, and that the union was willing to be bound by the arbitration award.

12. The facts are that Mr. Herbert V. Kohler has repeatedly refused and continues to refuse to meet his moral obligations to sit at the bargaining table in an effort to resolve the issues in this strike.

13. The facts are that Mr. Herbert V. Kohler, while refusing to spend 1 minute at the bargaining table, has, during the 45 months of this strike, been engaged in a campaign of vilification and misrepresentation against the UAW, the democratically chosen and legally certified bargaining agent of Kohler workers.

14. The facts are that when the union had compromised its wage demand by a successive scaling down of its proposals, the company, fearful that further compromise on the part of the union might make a settlement unavoidable, in pursuance of its policy of "bargaining not to reach, but to avoid agreement," summarily and arbitrarily discharged 90 strikers on March 1, 1955, who comprised almost the total leadership of Local Union 823, including the officers, all members of the union's executive board, all members of the bargaining committee, all members but 1 of the local strike committee, and 5 of the 6 chief stewards.

This mass discharge of the total leadership of the local union was to guarantee that a settlement would be impossible and that the strike would continue.

15. The facts are that every time it appeared that the issues in dispute were being narrowed and that a settlement might be possible, the company always took drastic action to widen the breach and to further complicate the possibilities of settlement.

A good example of this, in addition to the discharge of the 90 leaders of the local union, is the company's refusal to this date to reemploy strikers upon the settlement of the strike, including workers with from 25 to 38 years of service with the Kohler Co., as recommended in the findings of the National Labor Relations Board trial examiner.

Both as president of the UAW and as a person, I have weighed the matters and the issues involved in the Kohler strike with great care. I have searched my own conscience, and I have consulted with many people in the labor movement, in the religious world, and in public life, and I have asked them what they would do if they were in my position, and I have found no person who, knowing the facts, felt that our union ought to surrender in the face of the immorality of this company, which is in defiance of the law and which is responsible for the hardship resulting from this strike.

These many people, in labor, religion, and public life, with whom I have shared this problem, have all fortified our determination to carry on this strike despite its difficulties, because to do otherwise would be an act of surrender in the face of our moral obligations to the men, women, and children of Kohler families who have been forced to suffer the hardships of this prolonged strike.

To surrender would be to appease immorality and irresponsibility which would further encourage these tendencies in the field of labor-management relations.

As stated earlier, and which I now wish to emphasize, it is absolutely essential to a full understanding of the Kohler strike to understand one central, uncomplicated fact: The Kohler Co. forced this strike, has prolonged it, and has no genuine desire to settle it.

In any discussion of the details related to the Kohler strike, it is imperative to keep constantly in mind the findings of the National Labor Relations Board trial examiner that the company was bargaining "not to reach, but to avoid, agreement, that it was seeking the union's complete capitulation."

Once this central theme is accepted—and it is a fact—the whole pattern of this dispute becomes obvious. There is visible a transparent design on the part of the Kohler Co. management to destroy Local 833 of the UAW. It is apparent in every act, every public statement, every expressed attitude on the part of the few persons responsible for what passes as a "labor relations policy" at the Kohler Co.

#### VIOLENCE AND VANDALISM

I shall not attempt at this point, but shall leave to other witnesses the documentation of the Kohler Co.'s 60-year record of utter contempt for the human and property rights of its employees, its complete and reckless disregard for simple human decency, and the public welfare, its unlawful conduct of its labor relations, and its cold and deliberate provocation and incitement of its employees to bitter resentment and, in a few instances, emotional reactions.

I cannot let pass, however, the company's allegations that violence, vandalism, and illegal activity have been encouraged or condoned by the UAW.

It would be foolish to deny that there has been violence and vandalism in this dispute. The facts show there have been some unfortunate incidents committed by individuals on both sides.

In view of the long history of violence and provocations by this arrogant company, both at the bargaining table and outside the plant, it is a tribute to the self-control of the Kohler workers and their families as well as a minor miracle, that the number of serious incidents in this bitter and emotional dispute have been so few.

#### UAW FIRMLY COMMITTED TO POLICY OF NONVIOLENCE

The UAW has been firmly committed to a policy of nonviolence. The UAW, its leadership and its membership have been the victims of extreme violence in the early days of organization when we first sought recognition and the exercise of our legal right to bargain with employers in the industries organized by our union.

Almost every major corporation, as the La Follette committee report so vividly reflects, employed labor spies and many hired underworld strong-armed squads to intimidate, coerce, and victimize by physical violence their employees and people actively engaged in trying to encourage workers to self-organization.

No one is more conscious of the futility of violence than I, because I, and members of my family, and other leaders of the UAW, have on numerous occasions been the victims of brutal and unprovoked violence.

In 1937, I was among a group of union people brutally beaten by Harry Bennett's strong-arm servicemen on the overpass on gate No. 4 at the River Rouge Ford plant. Later that year, my office was bombed and, still later that same year, a sound truck of Local Union 174, of which I was president, was blown up.

In 1938, armed thugs hired by the Ford Motor Co. invaded my home, violently assaulted me, threatened my life, and attempted to kidnap me. Only the fact that a large number of friends had come to visit me a short time earlier, unknown to the thugs, prevented them from carrying out their attempted kidnapping and their boast, as they put it, to take me for my last ride and dump me at the bottom of the Detroit River encased in cement.

In 1948, I was the victim of an attempted assassination, shot through the window of my own home.

In 1949 my youngest brother, Victor, also was the victim of an attempted assassination. He, too, was shot through the window of his home and was seriously injured causing the complete loss of his right eye.

These acts of violence are sad and tragic chapters in the life of my family, and similar acts of violence against other leaders of our union serve as a constant reminder of the futility of violence and have strengthened our firm belief in the UAW's policy of nonviolence.

The UAW, as we have stated, is not perfect, for no organization made up of imperfect human beings can hope to achieve perfection. UAW members are subject to the same human frailties as are other people and, in a few isolated situations, have been swayed into ill-considered action under circumstances of extreme provocation and emotional tension.

While UAW members in a few situations have acted contrary to the official nonviolence policy of the UAW, in the overwhelming majority of situations UAW members have been the victims, not the perpetrators, of violence.

This has been the case in the Kohler strike.

In the Kohler strike, as in other strikes, the UAW has made a consistent and sincere effort to discourage any acts of violence or vandalism. We have repeatedly warned strikers that such acts would only hurt their cause, since violence and vandalism settle none of the problems in a strike; they only create additional problems.

In the Kohler strike, the UAW International and the local union have consistently held to, and implemented, a policy of total opposition to violence and vandalism in any form. It is our firm position to use every peaceful, legal means to accomplish the UAW's legitimate collective-bargaining ends.

To implement this policy, the union has taken the following steps during this long dispute with the Kohler Co.:

1. Statements by international officers condemning and disavowing violence and vandalism.
2. Statements by local union officers condemning and disavowing violence and vandalism.
3. Posting of rewards for the apprehension and conviction of those guilty of violence and vandalism.
4. Issuance of mimeographed instructions to all strikers on peaceful conduct and full compliance with the law.
5. Official statements made by responsible union officials over radio and in the newspapers urging full compliance with the law.
6. Compliance and cooperation with all law enforcement agencies at all times.

The union is submitting a fully documented exhibit which sets forth the specific efforts of the union to implement its policy of nonviolence.

Any impartial and objective study of all the incidents of violence in the Kohler strike will lead to the conclusion that most of these incidents were the inevitable byproduct of the company's acts of extreme provocation, the intense hatred generated by the company's continuous and vicious campaign of anti-union propaganda, and its historic pattern of using armed force as an instrument of labor policy to crush past strikes.

#### LEGAL CONSUMER BOYCOTT

When it became clear that the Kohler Co. was bent on breaking the strike in its efforts to destroy UAW Local 833, as the bargaining agent for Kohler workers, there was no alternative for the union but to take its case to the public.

From the start, the UAW's consumer boycott was public and open. We made no attempt to conceal our boycott of Kohler products. In fact, we gave it maximum publicity.

Except for its Government contracts, Kohler sold primarily to consumers. Accordingly, the UAW campaign to boycott Kohler products was directed at consumers. Using all forms of advertising, public speeches, and personal contacts, the UAW attempted to inform the public and union members throughout the country of the union-busting attempts by the Kohler Co.

For example, at the recent AFL-CIO convention in Atlantic City, in December 1957, a resolution was unanimously adopted by the delegates from all affiliated AFL-CIO unions condemning the Kohler Co. and pledging their full support to the UAW boycott of this vicious, unprincipled employer. (Copy attached.)

Our campaign before public bodies and agencies has been equally open and forthright. When told the full story of the Kohler Co.'s refusal to bargain in good faith, and the company's sordid labor relations history, many governmental bodies have refused to purchase the nonunion-made Kohler products.

In short, the UAW has carried on a legal consumer boycott against the Kohler Co. If the boycott had been an illegal secondary boycott, Kohler could have so charged the union before the National Labor Relations Board and filed a civil suit for damages, since an illegal secondary boycott would have been a violation of the Taft-Hartley Act.

To this date, the company has made no such charge because they recognize that the union is acting in full compliance with the law and, in fact, merely exercising its constitutional right of free speech.

#### ATTEMPTS TO SETTLE STRIKE REJECTED BY KOHLER CO.

The union has tried in every way it could to settle this dispute honorably for both sides. Outside interests have attempted to help end the strike through the

democratic processes of mediation and arbitration. In each of these instances, the union has agreed to cooperate with outside arbitrators, and in each case, the company has refused.

The mayor of Sheboygan tried to settle the dispute. The union agreed. The company refused.

The Common Council of Sheboygan attempted to mediate the dispute. The union agreed. The company refused.

The Governor of Wisconsin, the nephew of Herbert V. Kohler, offered his good offices in an attempt to settle the strike. The union agreed. The company refused.

State and Federal judges in Wisconsin have tried to mediate the dispute. The union agreed. The company refused.

The Wisconsin Employment Relations Board has tried to mediate the dispute. The union agreed. The company refused.

A subcommittee of the United States Senate has tried. The union agreed. The company refused.

Prominent clergymen of the Catholic, Protestant, and Jewish faiths have offered to help mediate the dispute. The union in each case agreed. The company in each case refused.

We have suggested every possible method known in the entire area of labor-management relations as a way of settling the strike. The company in each instance has refused.

The union suggested that the Secretary of Labor, James P. Mitchell, appoint an impartial arbitrator. The company refused.

The union suggested that President Eisenhower appoint an impartial arbitrator to settle the strike. The company refused.

The union has proposed acceptance of the recommendation of the National Labor Relations Board examiner as the basis for settling the strike. The company has refused.

Representatives of every segment of American society have tried to settle the dispute. Each and all of these attempts, made by these public-spirited citizens, have been welcomed by the union, and each and all of these attempts have been flatly rejected by this arrogant company.

The entire pattern of "bargaining" by Kohler fits into the NLRB trial examiner's categorization of it as "adamancy" which "had not only become part of a technique for avoiding agreement," but which "insured a failure to reach one."

The union started out with a number of reasonable demands, and in the course of bargaining before the strike and the first few months after the strike, the union conceded substantially on all of these points, and in many cases abandoned them completely for purposes of these negotiations. The company made any settlement impossible.

The company during this period has attempted to confuse the issues and inject violence into the picture to justify its refusal to bargain and its determination to break local 833. The NLRB trial examiner's conclusions exposed this attempt of the company for what it was, a calculated, cynical campaign to prevent a settlement regardless of union concessions.

The company has had but one overall purpose in mind since it terminated the old contract at the earliest possible date to make any agreement on a new contract impossible by throwing new conditions at the union to completely destroy the union through importation of strikebreakers and provocation of the membership to violence, and finally, to obtain the fondly remembered "20 years of labor peace" which followed the 1934 shootings and murders, and which carried with it memories thoroughly delightful to Mr. Kohler of a completely subject and abject group of employees working at low wage rates under some of the worst working conditions in American history.

#### CONCLUSION

The Kohler Co. does not want to settle this strike. It does not want to deal with a union chosen democratically and legally certified as the collective bargaining agent of Kohler workers.

It wants only to destroy local 833 as the Kohler workers bargaining agency. It has been found guilty, through due process, of repeated violations of the laws of the land.

It has clearly indicated its total indifference to the orderly processes of industrial democracy.

It has further shown its utter contempt for the rules of decent behavior. It has been unconcerned with the harm this dispute has visited, not just on the Kohler workers and their families, but on the communities involved.

It has been contemptuous of those from whatever area of America who have tried to bring about an honorable settlement.

The Kohler Co. has, in short, operated outside the realm of decent behavior, and must, therefore, accept the moral responsibility for this strike, for its beginning and for its continuation.

Kohler strikers, the men and women who make up the membership of UAW local 833, began their strike against the Kohler Co. in an effort to win a measure of economic security and improved working conditions which other employers have extended to their employees through the process of free collective bargaining.

The illegal and immoral actions of the Kohler Co. has compelled the Kohler workers to continue the strike for 45 long months. They are no longer striking to win higher wages and better working conditions. Kohler workers are striking to preserve their most sacred property rights, their job rights, through reemployment, which to date the company has refused, despite the findings of the trial examiner of the National Labor Relations Board.

The overwhelming evidence in this strike clearly puts the strikers on the side of justice, morality, and human decency, and they are resolved to continue this struggle until the Kohler Co. accepts the letter and the spirit of the law of our land.

To this end, the UAW is pledged to continue to give Kohler workers every possible support within our means.

#### LEGISLATIVE RECOMMENDATIONS IN KOHLER STRIKE

We are pleased to comply with the request of this committee for legislative recommendations as a result of our experience in the Kohler strike. These recommendations are limited to our experience in the Kohler strike and do not reflect our full legislative recommendations on other aspects of labor-management relations in the field of your committee's responsibilities.

We share the belief that to some extent the Kohler Co.'s refusal to bargain in good faith has been encouraged by certain fundamental weaknesses in the existing Federal labor laws.

The CHAIRMAN. Counsel wishes to ask you a question or two before you proceed with your statement.

Mr. KENNEDY. Mr. Reuther, have you had some conversations and discussions with the accountant of this committee, Mr. Carmine Bellino?

Mr. REUTHER. Mr. Kennedy, I met on a number of occasions with Mr. Bellino, and I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union.

Mr. KENNEDY. Did he also request from you your own personal finances and books?

Mr. REUTHER. He did, Mr. Kennedy. I was advised many weeks ago that the committee did not intend to go into my personal finances, and on January 27, I sent you a letter in which I asked you to go into my personal finances, and when Mr. Bellino came to Detroit, I turned over to him all of my income-tax returns that we were able to get—I think they went back some 12 or 15 years—all of the canceled checks, all of the records dealing with my personal finances, because I wanted him to go over them very carefully so that the committee would know precisely where I stood with respect to my personal finances.

Neither the UAW—

The CHAIRMAN. Covering what period of time?

Mr. REUTHER. Pardon?

The CHAIRMAN. Your personal records that you submitted covered what period?

Mr. REUTHER. The total period of the time that I have been associated with the leadership of the UAW, which is some 21 years. I have here—I would like, Mr. Chairman, if I might, to put that letter and the data attached to it into the record, because it bears upon this question.

The CHAIRMAN. Let the Chair see it. Will you pass it up to the Chair, please?

Mr. REUTHER. This is a copy of my letter requesting the committee to get into my personal finances, because I understood that they did not intend to do that. I wanted very much to have them go into it, because we have nothing to hide, and we are prepared to reveal all of our personal financial matters as well as the union's financial matters.

That statement, you will find, has a listing of my income; it has a listing of the moneys that I contributed to an educational foundation, because I do not retain any moneys, and the only source of my income is from the UAW.

The CHAIRMAN. Is this a carbon copy of the letter that you sent counsel?

Mr. REUTHER. It is, sir.

The CHAIRMAN. Was it a voluntary letter written of your own volition?

Mr. REUTHER. It was.

The CHAIRMAN. Is there any objection on the part of the committee to the letter being placed in the record at this point?

The Chair hears none. It, together with the financial statement submitted with it, may be printed in the record at this point.

JANUARY 27, 1958.

Mr. ROBERT F. KENNEDY,

*Chief Counsel, Select Senate Committee on Improper Activities in Labor and Management, Senate Office Building, Washington, D. C.*

DEAR MR. KENNEDY: Mr. Jack Conway, my administrative assistant, has advised me of his conversation with you concerning the forthcoming hearings involving the UAW and the Kohler Co. as it relates to the Kohler strike.

As we have advised Senator McClellan, we are prepared to cooperate in every possible way to facilitate a fair and objective hearing of all the facts. I have asked Mr. Conway to continue to cooperate with your office and your staff so as to make available any pertinent information or data which you may need for those hearings.

In addition to cooperating in every possible way to facilitate your work as it relates to the activities of the UAW as an organization, I have repeatedly indicated a willingness to have the committee check into my personal financial matters. To date, to my knowledge, no one from your committee has made any efforts to inquire into my personal financial affairs and I can understand the reluctance of the committee to do so in the absence of any question or allegation being raised concerning my personal affairs.

Since as president of the UAW I will undoubtedly be involved in the Kohler hearings, I would feel much more comfortable if in advance of the hearings you would find it possible to assign a member of your staff to check into my personal financial affairs. I should be most happy to cooperate with such an investigation and will make available to your staff all of my personal financial records.

Sincerely yours,

WALTER P. REUTHER,  
*President, International Union, UAW.*

## PERSONAL FINANCIAL AFFAIRS OF WALTER P. REUTHER, PRESIDENT OF THE UAW

When the question of a hearing before an investigation by the select committee on the matter of the Kohler strike was first raised, UAW President Walter P. Reuther orally and informally asked the committee staff to check into his personal financial affairs.

When Mr. Reuther learned that it was not the intention of the committee staff to inquire into his personal finances, he thereupon addressed a letter to committee counsel, Robert F. Kennedy, on January 27, 1958—copy of which is attached—formally requesting that such an investigation should be made.

As a result, a committee staff member came to Detroit, was supplied with all of Mr. Reuther's personal files, supplemented by the record of his compensation from the UAW. All of this material was carefully checked by the committee staff member and at the conclusion of this complete check, Mr. Reuther was advised that he could assume that his personal financial affairs were proper and in order.

Here is the basic information supplied to the committee staff:

Mr. Reuther's sole income—with but minor exceptions—since April 30, 1936, has been his salary from the UAW. These are the amounts he has been paid for each year beginning in April 1936, at which time Mr. Reuther was elected as a member of the International Executive Board of the UAW at its first constitutional convention:

1936-----	\$1, 730. 88	1947-----	\$9, 115. 64
1937-----	2, 613. 20	1948-----	10, 000. 00
1938-----	3, 000. 00	1949-----	10, 000. 00
1939-----	3, 000. 00	1950-----	10, 000. 00
1940-----	3, 000. 00	1951-----	10, 913. 64
1941-----	3, 180. 00	1952-----	11, 250. 00
1942 <sup>1</sup> -----	4, 913. 32	1953 <sup>3</sup> -----	16, 442. 20
1943-----	7, 000. 00	1954-----	18, 000. 00
1944-----	7, 000. 00	1955-----	18, 000. 00
1945-----	7, 000. 00	1956-----	18, 000. 00
1946 <sup>2</sup> -----	8, 500. 18	1957-----	20, 920. 14

<sup>1</sup> On Aug. 3, 1942, he was elected a vice president of the UAW.

<sup>2</sup> On Apr. 1, 1946, he was elected UAW president.

<sup>3</sup> In December 1953, Mr. Reuther was elected president of the National CIO.

During this period, for a part of the General Motors strike in 1945-46 and the Chrysler strike in 1950, he returned his salary to the union's strike relief fund. These have been the only major UAW strikes of lengthy duration since the union won recognition from the automotive industry in 1927.

Mr. Reuther's contribution of his salary to the GM strike relief fund in 1945-46 was \$1,698.06; to Chrysler strike relief fund in 1950, \$889.24.

During this period he also served as president of local 174, UAW, as a vice-president of the CIO, and, finally, as president of the CIO, without salary in all instances.

He is presently serving as a vice-president of the AFL-CIO, president of the Industrial Union Department of the AFL-CIO; vice-president of the ICFTU—the world organization which represents democratic anticommunist labor forces—and president of the automotive division of the International Federation of Metalworkers, all without salary.

During this same period, he has also served as a consultant to various Government agencies or as a member of various Government commissions, a partial list of which includes:

Office of Production Management.

War Manpower Commission.

War Production Board.

President's Commission on the Health Needs of the Nation.

White House Defense Mobilization Advisory Board.

Economic Cooperation.

Economic Cooperation Administration—and successor agencies.

Advisory committees.

Special committees for the State Department.

Congressional Panel on Peaceful Uses of Atomic Energy.

President's Government Contracts Committee.

In most of these cases, provision was made for payment by the Government of a per diem for days actually spent at work or in travel in connection with these various capacities. This per diem usually amounted to \$50 per day.

Mr. Reuther always declined this per diem. Where travel expenses and hotel were paid by the Government for these jobs, Mr. Reuther endorsed these expense checks over to the UAW, which had already provided and paid for such expenses.

For a number of years, Mr. Reuther has received and accepted invitations to lecture, make radio or TV appearances, and has written articles for which honoraria are provided.

Because he is firmly committed to the principle that he should live on the salary paid him by the union and that these honoraria are actually the result of his position in the labor movement, he caused to be established on February 6, 1951, a Reuther Labor Foundation, into which all such moneys are paid directly.

During the 6 years of its existence, the foundation has made contributions to various organizations engaged in research, educational, or charitable activities compatible with the aims and ideals of the labor movement.

It is hoped to accumulate enough money in the foundation to provide at some future date substantial scholarships to deserving and needy students whose educational program is concerned with studies relating to labor's broad economic and social objectives.

The foundation had received a total in contributions, as of December 31, 1957, of \$13,320.40, plus \$851.34 in interest and credit union dividends for a total of \$14,171.74.

Of this amount, \$4,300.49 has been disbursed in contributions, leaving a balance on the aforementioned date of \$9,871.25.

Of the total amount accumulated, \$11,290.96 came from payments for Mr. Reuther's speeches and writings.

An additional \$2,024.44 was contributed by several UAW staff members who had received honoraria for the same kind of work.

Mr. KENNEDY. Mr. Reuther, did you turn over all of your financial books and records?

Mr. REUTHER. My personal financial books?

Mr. KENNEDY. Yes.

Mr. REUTHER. I did. All that we could find. My wife handles our finances, and she dug back and I think got checks for 7 or 8 years back, canceled checks.

All that we could possibly find were turned over to Mr. Bellino.

Mr. KENNEDY. And that includes all of your other books and records dealing with your personal finances, is that right?

Mr. REUTHER. That is correct.

Mr. KENNEDY. In addition to your canceled checks?

Mr. REUTHER. That is correct.

Mr. KENNEDY. Mr. Chairman, Mr. Bellino has gone through those books and records and the finances of Mr. Walter Reuther, and is available to testify on his findings.

The CHAIRMAN. He may be called if anyone desires.

Senator KENNEDY. I will ask that he be called.

The CHAIRMAN. We will go into that a little later. Let us proceed with this witness. If anyone wants Mr. Bellino called, he may be called.

Senator KENNEDY. I did ask that he be called and testify to the question.

The CHAIRMAN. The witness will be called. But let's proceed with this one at the present.

The witness testified that he had submitted voluntarily all of his financial records to the committee.



Senator KENNEDY. Mr. Chairman, it seems to me if we are going to get into this question of finances, I think we ought to hear, briefly, from Mr. Bellino.

Mr. REUTHER. Mr. Chairman, I would be glad to step aside. I was told that the procedure of the committee was that I would be last, that you were going to get all the facts in the record and then I was going to be called in here. I think that I would much prefer that Mr. Bellino testify, and then I would be happy to step aside at this time.

The CHAIRMAN. We are going to get started off here quibbling about who testifies when and where. I thought you were the last witness. I had anticipated you were last. Mr. Bellino, of course, or members of the staff, can be called at any time. I was hoping we could make progress with you this afternoon, and we could hear Mr. Bellino any time.

Senator IVES. Mr. Chairman, I want to sustain you in your comment on this. I think we should get through with this witness here as quickly as we can. I do not think we can make it today, and we cannot make it tomorrow, but we will make it eventually.

The CHAIRMAN. I have no objection to proceeding. We can call Mr. Bellino around when we want him. We can do that during the course of your testimony, so that you can make any comment on it that you desire. Is that satisfactory?

Mr. REUTHER. Mr. Chairman?

The CHAIRMAN. Is that satisfactory to the members of the committee?

Senator KENNEDY. Mr. Chairman, I made my request. If the chair rules that he will hear him later, I will accept the ruling.

The CHAIRMAN. If there is no objection, we will proceed. You may proceed, Mr. Reuther.

Senator KENNEDY. But I will renew the request when the matter of finances is brought out in the testimony.

Mr. REUTHER. Mr. Chairman, I should like to note that all of the officers and the representatives of the International Union, UAW, who have appeared before your committee, both from the local level and the international level, have appeared here voluntarily upon the request of your committee, and have testified without resort to the fifth amendment or any other constitutional privilege. This is in accordance with the policy of our union, because we have tried to cooperate with the committee because we have nothing that we are trying to hide. I would also like to note that unlike some of the other unions that were called before your committee, our union does not appear here in defense of its activities as it relates to corruption or racketeering; that we are here as it relates to a collective bargaining dispute between the Kohler Co. and the UAW.

The UAW is the democratically elected bargaining representatives, and we have been legally certified by the National Labor Relations Board.

I would like the record to be very clear that those of us in the UAW, both in the leadership and in the membership, are proud of our record over the years, of building an honest, clean and democratic and dedicated union.

We have fought corruption and we have fought communism without compromise, and we just don't want to get confused in the minds of people why we are down here. Because as far as we are concerned, we will not tolerate at any level of our union, any corruption or any communism, because we know that they are diametrically opposed to the values that we believe in, not only as trade unionists but as Americans.

This is not some new principle that we have just embraced in the last period. We have been fighting against communism for many years, and we have been fighting against corruption for years. It takes eternal vigilance to keep a big labor movement free of these unsavory elements who would like to worm their way in and prostitute the basic purposes of a free labor movement.

On January 18, the executive board of our union, before your committee was created, passed a resolution, urging that an appropriate congressional committee be created to help the free labor movement deal with the question of corruption.

We felt at that time that the labor movement, within its own resources and its own procedures, could not deal with this problem of corruption in depth in certain unions, because we didn't have the power of subpoena, we had no right to bring people and records in, and the result was that we knew we couldn't deal with it.

So that our union has always supported every effort to try to build a clean, democratic, and decent trade union movement, and we have not tolerated any of these corrupt elements, or those who would subvert the labor movement to the service of a foreign government.

We are proud that we have been able to work with the leadership of the AFL-CIO and I think it can be said in all good conscience that there is not a group in America more determined to fight corruption and racketeering and communism within our society than is the American labor movement.

I was greatly saddened by the tragic headlines that came out in the last year because of corruption, because a certain small minority in the leadership of the American labor movement had betrayed their sacred trust, had used their position of influence not to advance the welfare and the well being of their membership, not to make a contribution toward facilitating greater economic and social progress for the people of America, but they used their power and their influence for selfish purposes.

We resent that very much, and we are happy to join with the leadership of the AFL-CIO in cleaning these unsavory elements out of the leadership of the American labor movement.

I come before you this afternoon not claiming that the UAW is a perfect organization. We have made mistakes, and we have attempted to profit by those mistakes.

No organization made up of imperfect human beings can hope to achieve perfection. But I do believe that the record will show that we have consistently tried to find out where our shortcomings were, so that we could try to overcome them.

We have been working continuously in this search to try to improve our organization and to make it into a more effective instrumentality in the service of our membership.

(At this point, Senator McNamara entered the hearing room.)

Mr. REUTHIER. We have tried to broaden the democratic structure of our union. We have tried to encourage the broadest kind of participation on the part of the membership, because you can't have a strong, clean, democratic union, excepting as the membership help make it that.

So we have done everything in our power to try to make our union a strong democratic union that reflects the hopes and the aspirations and needs of our membership. We have been concerned with this whole problem of the rights of the individual member. When you get big organizations sometimes it is easy, not just a matter of intent, but just as a matter of inertia sometimes for the individual to get lost in the shuffle. We have been concerned about that problem. So we have constantly been trying to evaluate our structure and ask ourselves the question, what can we do to try to make our union a more responsive, a more responsible instrument in the service of the membership.

We came up at our last convention with an idea. I originally thought of it. I discussed it with the leadership of our union and then in turn with the convention where they adopted it.

This was for the creation in our union of a public review board. This public review board is made up of seven prominent citizens. Rabbi Morris Adler, leading Jewish clergyman; Msgr. George F. Higgins, director of the Catholic Social Welfare Conference; Bishop G. Bromley Oxnam from the Methodist Church. We have two judges, a judge from Windsor, Ontario, and a judge from Detroit. We have the president of the University of California on there. We have another outstanding professor, Dr. Witte, from the University of Wisconsin. Why did we do this? Well, we happen to share the point of view that a labor union that is dealing with these broad questions, dealing with the welfare and well-being of a lot of men and women and their families, ought to be prepared to have its stewardship evaluated and reviewed by a group of public-spirited citizens, and if they find that you have made some mistakes along the way, to solicit and encourage their help in trying to overcome these.

So this is the basis upon which we worked this out.

Mr. Chairman, this is not window dressing for public relations purposes. This structure is built into our constitution. It is just as much a part of the constitution of our union as are any of the other clauses in our constitution.

It provides, among other things the authority and an operating budget with a staff so that these seven public-spirited citizens have the right to apply any phase of our constitution bearing upon the question of communism, or corruption, or the application of the ethical codes of the AFL-CIO. They can take up a complaint by any member, by any subordinate body, or they can initiate any investigation that they choose to have on their own authority.

They also go into the question of trial procedures. In our union, a worker is tried at the local level. He then has a right to appeal it, if the decision goes against him, to the international executive board. Under our previous constitution, it went from the executive board to the convention. But we found that if you meet every 2 years sometimes delay does a worker a great injustice.

We found that many times the pressure of time, where we have 3,000 delegates at our convention, each of whom is democratically elected by the membership, that 3,000 people is not the best place in the world to conduct a trial.

The atmosphere is just such that this is not the best way to facilitate the democratic processes. Under this setup, if a worker does not get what he thinks to be justice, at the local level, he can appeal to the international executive board. If he doesn't get justice there, he can choose, does he want to go to the convention, which is the highest authority in our union, or does he want to go to the public review board. If he goes to the public review board, they have a hearing. They get all the evidence pro and con, and they have the constitutional authority to amend the decision of the executive board, to set it aside completely, or to modify it.

It also has the power, Mr. Chairman, to go into this question of trusteeship.

The CHAIRMAN. May I interrupt at this point for clarification purposes?

How is this review board selected?

Mr. REUTHIER. In the first case, Mr. Chairman. It was selected by the executive board, who made a recommendation of the list to the convention, and the convention of 3,000 delegates approved it.

The CHAIRMAN. How many are on the board?

Mr. REUTHIER. There are seven people on the board. At each convention the membership of the public review board must be approved by the delegates in convention.

The CHAIRMAN. They are in effect nominated by the executive board?

Mr. REUTHIER. That's right.

The CHAIRMAN. And confirmed by the convention?

Mr. REUTHIER. Confirmed by the convention. At the time this was created, Mr. Chairman, we were unable to present the seven names because the seventh person whom we had asked to serve was Milton Eisenhower.

He regretted that he could not serve because of the pressure of other activities, and the result was that at that time we only had 6 people and the 6 people were put up.

The CHAIRMAN. That was at your last convention?

Mr. REUTHIER. That was in April 1957. It provides that in the event of a vacancy, the vacancy is filled by the membership of the panel.

In other words, if somebody resigns or is deceased, the six remaining members of the panel would choose the person to fill the spot.

So that this is something that we can't manipulate or rig, and we don't want to.

This is not window dressing. This is as clearly as you can write out in a constitution the right of an impartial group to evaluate and review and to modify, support, or to set aside a decision made within the structure of our union. It has no authority on collective bargaining.

Senator IVES. Mr. Chairman, may I interrupt the witness there?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to get an idea of how many cases come before the review board within a year.

MR. REUTHER. I think as of now they are handling around 15 cases.

SENATOR IVES. In a year?

MR. REUTHER. The year is not quite up.

SENATOR IVES. It is almost a year.

MR. REUTHER. That is right. I think what will happen, Senator Ives, is this. This will make us more careful. This will make the local unions more careful. The local unions otherwise might have been a little careless, not in terms of trying to do an injustice to a worker, but just that they get a little bit careless in procedures.

SENATOR IVES. I am not disagreeing with you at all. I am curious about the load the board has. But apparently they can handle that many cases, all right.

MR. REUTHER. They have a full time executive director who is a very competent attorney. He has a staff. He gathers the material. Then it is provided that they can set up panels of three people. The three people in the Washington area could handle hearings in this area to minimize traffic.

MR. REUTHER. We find it works very well.

SENATOR McNAMARA. May the pamphlet be made a part of the record?

THE CHAIRMAN. At the request of Senator McNamara the pamphlet may be made an exhibit 128 for reference only.

(The document referred to was marked "Exhibit 128" for reference, and may be found in the files of the select committee.)

SENATOR MUNDT. Mr. Chairman, for further purposes of clarification, Mr. Reuther, you used the first personal pronoun, we and our. When you are talking about this public review board do I understand that is strictly a UAW instrumentality or does that operate clear through the CIO?

MR. REUTHER. The CIO is no longer in existence.

SENATOR MUNDT. CIO-AFL.

MR. REUTHER. That's right. This is strictly a UAW constitutional provision and bears only upon the UAW because it is a part of the UAW constitution. It has no bearing upon any other union affiliated with the AFL-CIO. As I say, we are proud of our record of fighting communism and corruption. You show us in our union where there is any corruption and we won't go after it tomorrow. We will go after it today yet. You show us where there is something wrong at any level of our union—we don't claim perfection—we will go after it.

This group has the authority to go after it.

We say this not because we think we are righteous. We just happen to believe in these things. We happen to believe that this union belongs not to Walter Reuther, not to any of the leadership. It belongs to a lot of working people. They pay for it. It must serve their best interests or otherwise we are betraying our sacred trusts. Just as we are proud of what we have done, and this has not been easy, Mr. Chairman—fighting the gangsters and fighting the racketeers and fighting the numbers racket boys in the factories is not easy, and it takes more than pious declarations and wishful thinking.

You have to stay up late at night and you have to work with eternal vigilance.

The same thing is true of the Communists. Twelve years ago today I was elected president of this union. I went through hell

fighting the Communists in the next year because they had control of the executive board. We finally proved that democracy can beat communism by outworking it and outvoting it and just staying in there early and late and pitching.

That is how the job was done in our union. We are also proud of the fact that in the 20-some years of our union that we have worked hard in the collective bargaining business. We have made a substantial contribution of winning for our membership a fuller measure of economic and social justice.

I worked in the automotive industry. I worked in Ford for almost 6 years and I know something about the Ford system.

Workers there were just nameless, faceless, punch numbers. They had no rights and no privileges and they were robbed of any measure of human dignity. We have changed that and I think the contribution made cannot be measured in economic terms, although we have won higher wages and pension benefits and all these other things that are essential.

I think the contribution that we have made in developing a measure of industrial democracy, of giving free men and women some voice with respect to the condition of their employment, some sense of dignity and worth and value inside these factories, is our greatest contribution. We got off to a bad start in collective bargaining in the automotive industry, just as many other basic industries got off to a bad start.

The La Follette committee report spells out this sad chapter in the history of American labor management relations. We had labor spies, we had stool pigeons and we had the use of underworld characters and paid muscles and we got pushed around and beaten up and I went through some of that and I know.

We had private detectives and we had private arsenals and tear gas. We went all through that. I say, thank God, Mr. Chairman, that is a part of ancient history. Thank God that there was the good sense and the good will and the sense of moral and social responsibility on the part of labor management in the automotive industry and the other basic industries, so that we have learned to meet this problem, not as we did twenty-some years ago, but at the bargaining table in the give and take of good will understanding.

On Tuesday of this week I sat down at the bargaining table with representatives of our union and the General Motors Corp. We have not had a strike with the General Motors Corp. in 12 years.

If you want to talk about the pattern of our collective-bargaining relationship, just look at the General Motors Corp. We will lay that parallel to any comparable group in the free world in terms of responsible labor-management relationships. We have differences, Mr. Chairman. But this is why we believe in freedom. The Communists get unity by conformity. We in the free world, whether we be of labor or management or agriculture or whether you are in public life, we have to guard with great jealousy the right of the other fellow to disagree because we have to get unity in diversity.

This is not always easy. But this is the price of human freedom. The ability of people who disagree on little things, even though emotionally they may be deeply involved, to reconcile that the big things they have in common are the things that we need to bind us together as a free society.

We have made great progress in General Motors. I would like, Mr. Chairman, to just point out, that here are some of the articles. This is from Business Week, "GM Contract Heralds Era of Industrial Peace." This was our 5-year agreement in 1950.

This was recognized as one of the most advanced developments in the history of collective bargaining in America. Here is another one, a business publication, "A Peace Treaty Instead of a Truce." That reflects the basic development, that we were not trying just to get a kind of armed truce, that we were trying to work out a treaty in which labor and management began to understand their respective relationships and responsibilities within the framework of a free society.

The CHAIRMAN. Do you wish the articles that you have just referred to made exhibits?

Mr. REUTHIER. I would, Mr. Chairman, along with this editorial from the Free Press which came out which says, "General Motors Contract Makes Milestone in Our Technological Revolution."

The CHAIRMAN. If you will identify them in order, the first one you refer to, the Chair will act on.

Mr. REUTHIER. The first one is entitled "GM Contract Heralds Era of Industrial Peace," "A Peace Treaty Instead of a Truce," and the final editorial, "General Motors Contract Marks Milestone in Our Technological Revolution."

The CHAIRMAN. They may be made exhibits 129, 129-A, and 129-B, for reference.

(Documents referred to were marked "Exhibits Nos. 129, 129-A, and 129-B" for reference, and may be found in the files of the select committee.)

Mr. REUTHIER. This was a historic milestone that we used to begin to build a more mature, more responsible labor-management relationship upon. It was translated into Ford, it was translated into Chrysler, it ultimately spread in other segments of the American economy. Many of the things that we pioneered on there, opened the door to better labor-management relations in other basic industries.

In the Ford Motor Co., I will sit down with them next Monday morning. That is in the fond hope, Mr. Chairman, that I will be through at that time.

The CHAIRMAN. That hope is shared by the committee.

Mr. REUTHIER. For 9 years we have not had a strike with the Ford Motor Co., although our beginning there was a brutal beginning. Just go back to Harry Bennett and his gangsters, where he took them out of the penitentiary and put them in his service department. We know about those days.

I say it is to the everlasting credit of Mrs. Edsel Ford and the Ford family that they have moved aggressively and courageously to clean up that tragic situation that existed when Harry Bennett dominated that company. So we have made great progress.

What have we really been trying to do, Mr. Chairman?

We have been trying to make our small contribution, along with management, in attempting to raise collective bargaining above the level of a struggle between competing economic pressure groups. I happen to believe that I have a very serious responsibility to the membership of my union. I happen to think that the president of

the General Motors Corp., of the Ford Motor Co., has a grave responsibility to the stockholders of those respective companies.

But what we believe is, and I think that what we have done in the automotive industry reflects a mutual comprehension of this fact, that while we in the union have a responsibility to our membership, and the corporation executives have a responsibility to their stockholders, that, together, the management and the union, have a joint responsibility to their stockholders, that, the management and the union, have a joint responsibility to the whole of our society which transcends in importance our separate responsibilities.

We could make collective bargaining and economically sound phenomena and a socially responsible function only as free labor and free management understand that their joint responsibility to the whole is more important than their separate responsibility to each of their separate groups. This is what we have been trying to do. We don't do this because we think it is clever public relations. We do it because we believe that all of the basic values that we cherish as free people, whether it is free management or free labor or free something else, that all of these basic values are essentially undesirable in character, and that we can't solve our problems in a vacuum, nor can management solve their problems in a vacuum; that there are only common solutions to these basic problems, and that the only way we can find common answers is to work them out at the bargaining table in a spirit of good will.

I have been fighting the Communists for a long while, not only in America but all over the world. We are building free trade union groups to fight communism, because communism builds its power by being able to perfect the techniques by which it forages poverty into power.

We don't believe in the class struggle in America. The American labor movement has never believed in the class struggle, because we think the class struggle is based upon a struggle to divide up scarcity.

We think that, instead of waging a struggle to divide up scarcity, free labor and free management ought to find ways of cooperating to create abundance, and then intelligently finding a way to share in that abundance so that we can have more and more, as our tools of production become more productive. So we have been trying to get people to understand that if we can't solve our problems in a vacuum, if we can't make progress excepting as we facilitate progress for the whole community, and if the companies understand that, then collective bargaining can be a socially constructive force. It can perform a valuable function in our free society for all of our people.

The Communists work on the theory that there is an irreconcilable struggle between labor and management, and that what you need to do is to wage that struggle until you destroy management, and you then build a classless society.

The American labor movement has never accepted that philosophy. We believe that within the framework of the common denominators that we may have in common between labor and management, we can accommodate our differences, and that we can somehow work out a cooperative relationship to make the economic pie bigger and bigger, and then learn to sensibly and sanely and responsibly share in that greater abundance. It is different between struggling to divide up



scarcity or cooperating to create and share abundance. This is our philosophy.

If you will take our basic collective-bargaining program for the last 12 years, since we changed the leadership of our union, you will find that time after time our collective-bargaining demands were shaped to facilitate the practical implementation of this basic philosophy that says labor and management have separate responsibilities, but they have a joint responsibility to the whole, which is more important than either of their separate responsibilities.

In this spirit we have worked out 2,600 collective-bargaining agreements, with large corporations, with small corporations, with corporations in the automotive industry, the agricultural implement industry, with the aircraft industry, and many other industries. So we ask ourselves this question: What is wrong when we can sit down with the most powerful corporations in the world, the General Motors Corp.—it has over 500,000 employees in the world—and we can work out a mature, a constructive, a responsible relationship, even though we got off to a bad start?

We worked our way out of that. We will disagree at the bargaining table, but we respect them and they respect us. So we say: How come, if we were able to do that, if we were able to do it with the smallest company, what is wrong up in Sheboygan?

How come we can't work out a collective bargaining agreement with the Kohler Co.? What is the difference there?

And there is a difference. The Kohler Co. is the exception; it is not the pattern. What is wrong there is quite obvious, Mr. Chairman. The Kohler Co. has not recognized either the letter or the spirit of the law of this great and wonderful country of ours, because the law, both in letter and in spirit, says that management must recognize the right of its employees to choose their own bargaining agency.

In 1897, the Kohler pattern began. I was not around then, and it will be somewhat difficult to prove that I was responsible for that situation. What happened in that situation? The molders union organized the plant, because in those days there was a great deal more foundry work, and they were the logical union. And they struck.

They struck because the company cut the pay 50 percent, and offered the workers a bathtub in lieu of the 50-percent wage cut. There was a strike, and the company destroyed that union.

Then the A. F. of L. organized a federal local union in 1934. That was before the UAW came into being, and we certainly can't be accused of being responsible for 1934. What happened there?

The workers were forced to strike because they wouldn't bargain with them. They broke the strike in order to destroy the union, and they did both.

The 1954 strike took place with these things in the backdrop.

It seems to me, Mr. Chairman, that the thing we need to keep in mind is the central, uncomplicated fact that in the 4 years of the Kohler strike, the Kohler Co. is guilty of being in violation of the law of this country, which requires them to bargain in good faith with the legally certified agency that their workers have chosen.

The facts are that this company went through the motions of bargaining, not to achieve an agreement but to avoid an agreement. They did not try to settle the strike; they have been trying to break the strike in order to break the union.

I would just like to point out what the trial examiner for the National Labor Relations Board found. He spent a great deal of time on this. I think that if any man has demonstrated the patience of Job, it is the trial examiner for the NLRB, who spent 2½ years with this case, one case, taking over 20,000 pages of sworn testimony, 13,000 exhibits.

What did he conclude?

I would like to read from his report, and I will quote the trial examiner's report:

The company "was bargaining not to reach but to avoid an agreement," and then he went on to say:

The company was intent on penalizing the union for having started the strike, and the penalty was not to be simple capitulation on contract terms, but the reduction of the union to impotency as an effective bargaining representative of their employees.

In other words, the trial examiner says this company was going through the motions of collective bargaining, not for the purpose of arriving at an agreement but for the purpose of avoiding an agreement.

As a matter of fact, Mr. Chairman, every time it looked like we were within a half of an inch of an agreement—and Judge Murphy certainly had us almost within a half inch—what did the company do? Every time it looked as though just another little half-inch movement on the part of the union would bring about a settlement, the company did something drastic to see to it that the gap was widened.

When we were within a penny or so of settling it, because of the good efforts of Judge Murphy, the company then discharged 96 of the leaders, the total leadership of the local union, knowing that no union with any self-respect, or any sense of moral responsibility to its membership, could settle with all of its leaders discharged.

Then when it looked like we could even overcome that hurdle, they refused to take back 2,000 strikers.

So here is what I say. I didn't determine that the UAW would be the bargaining agency in that plant. I had nothing to do with it. The Kohler workers, by a democratic vote conducted by the Government of this United States, they made that decision. Then the Government of the United States certified our union, Local 833, as the legal bargaining agency; the Kohler Co. at that point was legally and morally obligated to bargain with our union. This is what they are unwilling to do. They have just not been willing to sit down and bargain.

Why?

Because they are attempting to repeat the pattern that they established in 1897, when they broke the union. They are attempting to repeat the pattern that they applied in 1934, when they broke the union. They are trying to do that again.

I was reminded of the very clear definition that was made in this area by the President of the United States, Mr. Dwight D. Eisenhower, on September 15, 1952. I would like to read what he said, because if he were sitting down today to write a characterization of

the Kohler Co., he wouldn't change a word in what he said then. I quote from the President of the United States:

Today in America, unions have a secure place in our industrial life. Only a handful of unreconstructed reactionaries harbor the ugly thought of breaking unions, and of depriving working men and women of the right to join unions of their own choice. I have no use for those, regardless of their political party, who hold some vain and foolish dream of spinning the clock back to the days when union-organized labor was a huddled, almost a helpless mass.

Let us face up frankly to this problem of strikes. The right of men and women to leave their jobs is a test of freedom. Hitler suppressed strikes. Stalin suppressed strikes. The drafting of strikers into the Army would suppress strikes. But each also suppresses freedom. There are some things worse, much worse, than strikes. One of them is the loss of freedom.

I should like to put this quote, Mr. Chairman, of the President of these United States into the record, because I think it characterizes the Kohler Co.'s labor-management policy most accurately.

The CHAIRMAN. Did you read all of the quote?

Mr. REUTHER. This is all I have here; yes.

The CHAIRMAN. You read all you have there?

Mr. REUTHER. Yes, sir.

The CHAIRMAN. Well, it is already in the record.

Mr. REUTHER. I stand corrected, Mr. Chairman.

You see, you have had more experience in this than I have.

I think, Mr. Chairman, that just as a human being, I want you to know that I have sat down many, many hours, and I have taken to bed with me the Kohler strike. This is a tragic human experience, what has been taking place there.

I think you need to keep in mind that 1934, the violence, the brutality, the ruthless, needless killing, that was described so eloquently by Father Maguire, when 2 people were killed and 47 shot, that this is the human background of this tragic chapter that has been enacted since 1934; that the bitterness, that the ill will, the fear, the suspicion that has been growing deep down within the Kohler workers, came out of this tragic background of 1897 and 1934; that this is the emotional background in which our strike took place.

Nobody got killed in the strike on the picket line. We were more fortunate this time. And yet to try to make it appear that our union condones violence does not square with the truth.

I don't think Mr. William Greene, who was the president of the AFL in 1934, and this union was the federal local, directly affiliated with the parent body, I don't think he was responsible for the violence and the killing.

The unions have changed. But the pattern of violence has remained the same. This time, thank God, we avoided it. Thank God we didn't have the kind of killings we had in 1934, although we had things that I think were most unfortunate and which I do not for 1 second approve, because I don't care who is responsible for violence, I don't care how severe the provocation, I may attempt to understand why it happened, but I will never attempt to justify it happening.

I say this, Mr. Chairman, because this matter of violence to me is not an academic matter. I have had my home invaded twice, once by the Ford gangsters when they tried to kidnap me and when they beat me up in front of my wife and when they didn't get me out of the room because they told me that I was going to wind up on the bottom of the

Detroit River with a ton of concrete around me, and the only thing that saved me was that a lot of my friends happened to be there.

I can give you the chapter and the details, because that was the period in Michigan when the mayor of the city of Detroit and the superintendant of police were in cahoots and on the payroll of the underworld, and they both went to Jackson Prison. This is where we came from.

I have been beaten up on the overpass with other union people just on public property by the Ford gangsters. I have had my office bombed, I have had my car blown up. In 1948 I was shot while sitting in my own kitchen with my own wife.

My brother was shot a year later. So when I talk about violence, this is not some academic matter I read in a novel. I have been on the receiving end of it.

When you have been on the receiving end of this kind of brutality, when they have invaded your own home, on two occasions, you don't have to be a philosopher to conclude that violence is futile, that you settle nothing by violence.

Every problem that existed before there was violence, I don't care who was responsible for it, is there after the violence, excepting that you have created more ill will and it is going to be more difficult to work it out.

So, Mr. Chairman, I am not attempting, nor will I ever attempt, to justify violence. I think that you need to understand that strikes do not take place in vacuums. They take place in the real world with real people with real problems.

Many of the things that happened in the Kohler strike are the by-product of the pattern of violence that the Kohler Corporation initiated in 1897, improved upon in 1934, and put into effect in 1954.

We knew when we were certified as the bargaining agency in Kohler that we had a difficult problem on our hands. But we had high hopes that just as we had worked our way out of this jungle that was the automotive industry twenty-some years ago, where we got a bad start, we had some hope that with patience, good will, we could somehow nurse this thing and gradually begin to develop a more constructive, more mature, labor-management relationship.

We signed the first contract, and when the Kohler Co. bought their first guns and increased the police force from 4 to 45, we didn't have a strike. We took that year and we nursed it and we nursed it and we hoped and we prayed that somehow in that year we could establish some mutual respect and confidence so that when the second contract came up, we could further move ahead together.

But while we were working and praying for a peaceful relationship, this company was preparing for war. No one can dispute the fact.

This company in that very period was increasing their stock of guns and their tear gas, doing all the other things preparatory to war.

You know a person can make speeches about Detroit labor bosses telling workers what to do in Sheboygan, Wis. I want you to know, Mr. Chairman, that we would have had a strike in the summer of 1953 if it were not for the effort made by the leadership of our union, because the Kohler workers voted to strike and wanted to strike with the first wage opener in the first contract that we had which came up in the summer of 1953.

We had tremendous difficulty in persuading them not to strike. We said, "Look, be patient. We know you are being pushed around. We know this is difficult, we know your patience is being taxed, but please bear with us. Let us nurse this. You cannot make a good situation overnight. You have this long history of bitterness and antagonism; it is going to take some time."

People from our union who were in there were booed and called sell-out artists and everything else, because we attempted and finally persuaded the membership not to strike in the summer of 1953.

We nursed this thing and we nursed it. But to our sad regret instead of the company responding so we could build more mature, responsible, cooperative labor-management relations, they were preparing for war.

Because we didn't give them a chance to take us on by strike with the first contract, they got in tear gas and the guns and all the other things.

I would like to read, Mr. Chairman, what the La Follette committee in a couple of very crisp short paragraphs said about that this company has done. They have done all the things that the La Follette committee report said was wrong.

They bought tear gas and guns. They hired spies, they did all the things. I would like to read it.

The CHAIRMAN. May I inquire if that is a part of the report on the 1934 strike?

Mr. REUTHER. This is the general report in which they are dealing with the practices, some 20 years ago, of companies hiring detective agencies and of companies having their own industrial arsenals, just two short paragraphs.

The CHAIRMAN. It is not related directly to Kohler but a general statement?

Mr. REUTHER. The Kohler Co., was found guilty of those things in the La Follette committee report because they were guilty of those things back in that period.

The CHAIRMAN. Let me understand you. That is the La Follette committee report. What date is it?

Mr. REUTHER. This comes out of the summary of their report on page 135 and 137, of their report, which I think was in 1938 or somewhere in that period.

In other words, this is out of their summary report.

The CHAIRMAN. All right. The Chair is just trying to get it properly identified so we know what we are talking about.

Without objection, you may refer to the report and read excerpts from it.

Mr. REUTHER. Since the Kohler Co. in this situation hired spies, I want to read that section of the La Follette committee report dealing with that subject matter. I quote—this is entitled, "Detective Agencies."

The committee finds that strike services are offered by detective agencies and employers' associations not so much for the purpose of assisting employers to protect property and maintain operations during strikes, but rather for the purpose of destroying unions and the processes of collective bargaining.

No employer who has accepted the principle of collective bargaining in good faith can consider using such purposes against his employees.

That is what they say in part against detective agencies. On the question of industrial arsenals, I would like to read this paragraph.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. I didn't quite understand your answer to the chairman's question relative to the fact that if this pertained directly to Kohler or if it is associating Kohler with the La Follette hearings.

Mr. REUTHER. Senator Goldwater, what I meant to convey is this: This section I am reading is a summary of the general findings of the La Follette committee, but in the total material of the La Follette committee the Kohler Co. was found at that time to be guilty of these practices.

Senator GOLDWATER. Was it found by name?

Mr. REUTHER. Yes. The Kohler Co. is mentioned by name in the La Follette committee report.

Senator GOLDWATER. In connection with the facts you are now relating, in connection with the hiring of detective agencies, the purchase of private industrial arsenals, and these other bad practices?

The CHAIRMAN. The Chair may say the whole report is a public document and is available to the committee. But as I understand you, primarily what you are pointing up is what the La Follette committee condemned and you are saying the practices of the Kohler Co. came within that condemnation?

Mr. REUTHER. And are being continued.

The CHAIRMAN. That is the statement of the witness and not of the Chair. Proceed.

Mr. REUTHER. This deals with industrial arsenals:

The possession and use of industrial munitions by employers is the logical end of a labor relation's policy based on nonrecognition of unions in opposition to the spirit of the national labor law.

The principal purpose of such weapons is aggression. Their use results only in violence, embitters industrial regulations, hampers full settlement of industrial disputes.

The maintenance of arsenals and industrial munitions creates bitterness on the part of employees and disrupts normal peaceful labor relations. Their use invites retaliatory violence.

Then the next section is on gas, and I don't go into that because here again this company was guilty in that period, and while 99<sup>9</sup>/<sub>10</sub> of the companies who were guilty twenty-some years ago have discontinued this practice, to their credit, the Kohler Co. still continues in the pattern of labor-management relations which was condemned by the La Follette committee.

The Kohler workers, Mr. Chairman, are really a very reasonable and sensible group of workers. They are not really asking for very much. If they were out in front pioneering and trying to blaze new trails, I would have suggested to them that they picked the wrong employer.

But they are not attempting to blaze new trails. Actually by trade union standards they could be criticized for asking for so little.

If you take their wage proposition, you don't have to talk about General Motors or the United States Steel Corp. Let us talk about competitors of the Kohler Co., comparing their wages, and let us take a competitor in Wisconsin not very far from Sheboygan, the Universal Rundle Co., and large ware enameled. In Kohler it is \$2.64 an hour, and Universal Rundle, \$3.60 an hour. In Universal

Rundle a worker makes as much in 6 hours as he makes in 8 hours in Kohler.

So when the Kohler workers say we think that is unfair, is that being unreasonable? When you look at the working condition in the enameling departments, as was pointed out in the labor trade union examiner's report, the temperature ranged from 100° to 200° in heat.

Look at the equipment they have in the Universal Rundle plant, look at the safeguards for health and safety, working conditions, and then compare the antiquated setup in the Kohler enameling department and what do you have?

You have a 6-hour day with much better working conditions, and almost a dollar per hour higher pay. In Kohler you have an 8-hour day with no lunch period, with inferior working conditions.

When free American workers in 1954, 1955, 1956, 1957, and 1958 say to their employer, as the workers in Kohler said to Mr. Kohler and the Kohler Corp., "We don't think this is fair. We don't think it is fair for us to work for a dollar an hour less, roughly, on this kind of a job, under adverse conditions, when your competitor—not General Motors but your competitor down the road a little ways in the State of Wisconsin—gives us higher wages, better working conditions, and you can make almost as much in 6 hours as we make in 8." Then saying, "You can snatch a sandwich between bathtubs." Is that where we are, when we know how to split atoms and put the third satellite in orbit?

Workers in America have got to work 8 hours without a lunch period? I think not, Mr. Chairman. I think that is a part of yesterday.

I think that any management who thinks that they can inflict that kind of thing upon workers, by breaking their strike, and breaking their union, is asking for trouble, and I don't know how you can solve that, excepting to find some way to get light into the dark corners of people's mentality who think that workers are going to accept that kind of condition in this tremendous and grand land of ours in 1958.

You heard Mr. Allan Grasskamp. He was the first witness for our union. He is typical of the Kohler workers. He was elected as their president of Local 833. He told you the problems.

Not only do we have substandard wages, not only do we have intolerant, inhuman working conditions, but we have a repressive system in that plant. It is a kind of modern industrial futilism that robs the worker of something more precious than an adequate wage, and that is a measure of self-respect and human dignity.

I thought the reporter who wrote that article for Life magazine captured the spirit of the situation when he said, "Mr. Kohler is not a bad man. He just tromps on us out of habit." This is what is wrong. Not only are the wages low, not only are the working conditions inferior and unsafe, but there is this spirit of oppression where if you laugh on the job and you have a good clean job on days that pays more money you might wind up on the third shift on a low-paying job that is a dirty, hot, disagreeable job.

These are the little intangibles that decent human beings hold in great value, and these little things more than the wages originally are responsible for the explosive emotional situation in the Kohler strike.

It ought to be kept in mind, Mr. Chairman, we didn't cancel the agreements. If we were strike happy and we canceled the agreement, and wouldn't bargain 1 minute after it was canceled, then people might with some justification say, "Well, this union is strike happy."

The company canceled the agreement, not the union. Oh, it is true that they said, "We will extend the agreement." Well, when a company says we will give you the old agreement without changing a comma, that is not collective bargaining. Collective bargaining means a willingness to sit down and review the contract and make changes based upon the give and take of free labor and free management.

We said let us extend the contract day by day and continue negotiating. They said not 1 minute will we extend this contract.

We worked 5 weeks without a contract. I would think that any reasonable person would say, if the union canceled the contract, then they were responsible. We didn't. They canceled it.

We worked 5 weeks without a contract, hoping and praying that somehow we could avoid a strike. Unfortunately, the day came when the Kohler workers just were not willing to take it any more. They made a decision.

I didn't vote in that decision. They made a decision. It was a democratic decision. There were more than 2,000 workers in that meeting and with 1 dissenting vote they rejected the company's proposal. Then we had a secret ballot vote. Nobody rigged this vote. In our union we respect the democratic processes.

We had a secret ballot. Unfortunately, we experienced what happens when human frailty moves in. Some of the people who voted to reject the company's offer did not hang around long enough because there was delay on the secret ballot and I suppose there is always some pressure, the wife to get home for Sunday dinner, and they went home.

So the result was that the actual secret ballot vote did not represent the number of people in the meeting or the attitude of the workers.

This is one of the frailties of democracy. How do you keep trying to keep people to carry their democratic responsibilities. It is true in a union. It is true in a church. It is true in politics. If public officials could be elected only if they got an absolute majority of the total potential vote, we would be without government for many years.

This is the human frailty. I think the workers who went home early were wrong. I think they were running out on their responsibility. But do we go out of business because people are subject to human frailties; no. The people who stayed made the decision.

Seven months later, more than 1,600 voted in a secret ballot and I think 26 the other way. So there is no question about it, that this strike was a strike authorized by a majority of the Kohler workers by secret decision.

The problem here is this: I am really not concerned about the UAW, Mr. Chairman. We will be around whether the Kohler Co. licks us or not. We will be around because we happen to be the instrumentality through which roughly a million and a half workers and their families get some of their economic work taken care of, at the bargaining table.



I am not concerned about the UAW. I am concerned about the company. I am concerned about people. Because there are no values in a free world unrelated to people. They are not something you put in a vacuum and seal it up and put it in a safety-deposit vault. Values to have meaning and purpose have got to be related to people.

I am concerned about the Kohler workers. I am concerned, Mr. Chairman, primarily because here is a conflict of this long duration. It will be 4 years in a few days. Four years of bitterness, 4 years of ill will, 4 years of hatred feeding on hatred, not only dividing worker against worker and brother against brother, but the whole community.

What bothers me, Mr. Chairman, is, don't we kind of have to look within ourselves as citizens of this great land and wonderful country and ask ourselves, is there some deficiency in our social structure when the law of the jungle has to run its course for 4 years and a strike is still as far from being settled at the end of 4 years as it was the day it started?

(At this point, the following members were present: Senators McClellan, Ives, McNamara, Mundt, Curtis, Goldwater.)

Let me tell you there is not another free country in the world where this ugly phenomenon would have been possible. When I talked to the people in the Scandinavian countries they are absolutely astonished. I have talked to management people in the Scandinavian countries. In England last summer, they said "We don't understand how this can be."

I said, "Well, it is difficult to understand."

It seems to me we have to find a way in America by which we can find a rational, sensible, just, and honorable basis for bringing these kind of tragic situations to conclusion.

Senator Ives. Mr. Chairman, may I break in there? I would like to ask Mr. Reuther what his answer is.

The CHAIRMAN. Senator Ives.

Senator Ives. I have been dealing with this problem for a good many years myself, and I must confess I haven't been able to find it.

Mr. REUTHER. Well, I don't claim that I possess any special kind of wisdom, but I would like to tell you what I think. I have been thinking about this. I know you have. I have had many talks with you about this for a long time, and I think you are just as concerned about it as I am. I think everybody would like this strike behind us. I think that what we ought to do in this kind of situation—and I generally accept without challenge the philosophy that free collective bargaining ought to be conducted by free labor and free management, and that therefore we ought to have a policy that minimizes governmental intervention, excepting in times of emergency, and then the very survival of our country is involved and we have to meet these emergencies in order to safeguard our very survival.

Senator Ives. That has been my philosophy so far. Go ahead.

Mr. REUTHER. That has been my philosophy. I think, however—

The CHAIRMAN. The Chair will interrupt briefly to observe that exclusive of time consumed by interruption, the witness now has proceeded for 1 hour.

Mr. REUTHER. I am about to conclude, Mr. Chairman.

The CHAIRMAN. It is not the purpose of the Chair to prevent any witness from making a full and complete opening statement.

If you say you are about ready to conclude, very good.

The Chair will indulge you further.

Mr. REUTHER. I can conclude in about 3 or 4 minutes. Mr. Chairman, you have been most generous and I appreciate that.

The CHAIRMAN. But I believe that is about as long as we have indulged anyone or anyone has required.

Mr. REUTHER. Well, this is the longest strike we have had, too.

The CHAIRMAN. Yes, sir.

Senator IVES. I think the question I asked Mr. Reuther is rather important, and I would like him to complete his answer, if I may.

The CHAIRMAN. Very well, proceed.

Mr. REUTHER. I think the question Senator Ives poses, really, is the thing that is germane to what we are trying to do. It is one thing to have an academic discussion of a problem, and it is another thing to try to bring to conclusion a practical and tragic situation. As I have stated, I think free collective bargaining ought to be between the parties, and we ought to minimize governmental intervention, because when the Government begins to encroach, you begin to eat away and erode the freedom of everyone. I don't want that. I would rather bargain with General Motors than Uncle Sam.

That has always been my position.

I think what ought to be done is I think we need to find a way to facilitate and expedite the mechanics of the law. I think when it takes you 4 years to get a case to the Labor Board, and then they can go through the courts, I think that justice delayed 6 or 7 or 8 years is justice denied.

I think this is an area we ought to get into. I think then we ought to do everything possible to try to facilitate collective bargaining by mediation, by any help that you can give, in which you try to encourage the voluntary acceptance of responsibility.

I think that both labor and management need to understand this simple, basic fact: The only substitute for Government dictation is the voluntary acceptance of responsibility.

If labor and management default in their voluntary responsibility, the Government ultimately will move in to fill the vacuum created by that failure to carry out voluntarily. So I am for encouraging this.

Senator IVES. May I make an observation there? I will go along with you all the way, because that has been my finding right straight through. But on the other hand you have a situation here. You have situations where one party or the other will not bargain. What are you going to do in a situation like that?

Mr. REUTHER. Here is what we propose, and I will tell you what the next step ought to be. We proposed arbitration. It is understandable, unions can be unreasonable, too. The company can say, "The demands are unreasonable and if we granted them we would put our company in jeopardy."

I think under those circumstances, the company has a right to take a position, a strong and firm position, and when the company takes the opposite position, as is the case here, the union is obligated to take a firm position.

I think when you narrow down the thing so that you just have 2 or 3 things that are keeping you apart, that both parties ought to be willing to arbitrate those if they cannot work them out together.

Senator IVES. Yes. But they aren't.

Mr. REUTHER. I know. We have proposed, as you know, that the President pick the arbitrator, and they said "No" to that. We proposed Secretary Mitchell, and they said "No" to that. We would be willing to have your committee, acting not as a committee but as individuals, designate one arbitrator, a panel of arbitrators. We will take their decision. On Sunday I was on a television program, and I said there, and the next day I made a formal communication to Mr. Herbert Kohler.

I would like to put that into the record. And in which I said to Mr. Kohler, "Look, we will take the President, we will take Mitchell, the Secretary of Labor, anybody he picks, anybody the committee might pick as individual members of the Senate, or I offer you a new idea. We will take the former Republican Governor of Wisconsin, Mr. Walter Kohler, whose father was the president of the Kohler Co., who was a part owner of this company," who is a nephew of the present president, "and we will accept him as the arbitrator, because we believe that our case is so sound that no one with any element of fairness and decency would find against us on the basic questions."

I have not heard from Mr. Kohler on this proposal.

Senator IVES. What you are leading up to, and I don't want to prolong this, is this idea of compulsory arbitration.

Mr. REUTHER. That is not true.

Senator IVES. I know you are not in favor of it any more than I am. Well, that is what the ultimate end is going to be.

Mr. REUTHER. If you will permit me, I will now tell you what I think is the answer.

Senator IVES. All right.

Mr. REUTHER. I think in these kind of situations, just as in situations of national emergency, sometimes the Government can play a role beyond just saying "We have a hands-off policy."

I wouldn't want the Government to jump in the first week or the first month, but it seems to me at the end of the fourth year, the Government has some responsibility. I think the President of these United States ought to create a factfinding board to deal with the collective bargaining issues, and find out can they so clarify these issues and through that clarification mobilize the moral pressure of enlightened public opinion.

It is one thing for Mr. Kohler to make speeches around the management circle, chopping Walter Reuther down as a dangerous labor boss. That is simple. It doesn't bother me. It doesn't create a solution to the problem. But it is quite another thing for a panel, a fact-finding panel, chosen by the President of these United States, to find that the Kohler Co. is not being reasonable.

Senator IVES. May I interrupt you there, Mr. Reuther?

Mr. REUTHER. I think this might settle this strike.

Senator IVES. I had the same idea.

Mr. REUTHER. That is not compulsory arbitration.

Senator IVES. I had the same idea at one time. That was my answer to this compulsory arbitration thing, and we created a condition in New York where we had boards of inquiry. Perhaps you know about it. I don't know whether you do or not.

Mr. REUTHER. I know about it.

Senator IVES. I can tell you right now that doesn't always work.

Mr. REUTHER. I think that in this situation, after 4 years, if the President of the United States picks, say, a panel of three prominent outstanding Americans who have no axes to grind, and they held a public hearing to develop all of these facts, and laid these facts out, what about the enameling room, what about silicosis, what about these inhuman working conditions, what about the wage inequities, what about pensions—you heard this old gentleman here, 25 years, gets \$12 a month. What a disgrace. What a disgrace.

A company claims to be interested in their workers. I mean, there isn't a company in the whole country that thinks that \$12 a month pension with the cost of living up in the atmosphere is adequate.

Let a panel of outstanding citizens do that. I think they can bring to bear the moral pressure of enlightened public opinion, and that that might help at the bargaining table.

Senator IVES. There is no use carrying this discussion any further, because our reasoning seems to be along the same line. We seem to arrive at exactly the same conclusion. My only observation is, Mr. Reuther, it doesn't always work, and it hasn't always worked there.

Mr. REUTHER. I agree, it isn't automatic, but I do believe in this situation we ought to try it. We have tried everything else.

Mr. Chairman, may I put this letter to Mr. Kohler in the record?

The CHAIRMAN. It may be made exhibit No. 130 for reference.

(The document referred to was marked "Exhibit No. 130" for reference and may be found in the files of the Select Committee.)

Mr. REUTHER. I will conclude, Mr. Chairman. I want to just say this not so much as the president of the UAW, but just as a human being: I have been wrestling with my soul on this case. I have talked to many industry leaders, I have talked to many religious leaders, I have talked to people in public life, at the Federal level, at the State level. I have talked to top people in Government in Washington. I have talked to labor leaders. I have said to them "Look, what would you do? Here is a company that has been found to be in violation of the law by the National Labor Relations Board. Here are these conditions in the enamel shop. No lunch period. Here are these inhuman and hazardous working conditions. Here are all these things. What would you do?"

And they have said to me "You cannot appease this kind of irresponsible attitude, and if your union lets down the Kohler workers just because it is costing you a lot of money to buy groceries and medical care and pay the rent, then we think you will be abdicating your basic moral responsibility."

So we have stayed in there. Frankly, we have not been able to find an honorable settlement.

I tell you frankly, Mr. Chairman, I have been trying for 4 years to get Mr. Kohler at the bargaining table. I have not been involved in this strike. I know very little about it first hand. My effort has been trying to get Mr. Kohler to meet with me and other people at the bargaining table. I have failed. I told him I would meet him any place. I will come to his office in Sheboygan. I will meet him any place, any time. I have been unable to get him to sit down for 1 minute in 4 years.

(At this point, Senator Kennedy entered the hearing room.)

Mr. REUTHER. I say to you, I am willing any time, any place, to do anything in my power to bring this to an honorable and decent settle-

ment, so that we can get this bitterness and the ill will and the hatred that is dividing the workers in that community behind us, so that we can stop this tragic incident. I see in the paper that there were things thrown through windows in the last several days. I think that this is sad and tragic.

I went to the airport yesterday to come down here, and the Detroit News is running a series on Dr. Vincent Peale's book on the Life of Jesus Christ. It just happened that this chapter dealt with Christ driving the moneychangers out of the temple with a whip.

It talked about how He went into the temple.

And when He found that these people were in violation of the sacred concepts of the temple, He picked up a whip and He drove them out.

It says "In His rightful anger."

This is what is behind here. The patience of Job would have been tested up there. I say, Mr. Chairman, we want to do everything humanly possible to settle it. This is not a fight between Mr. Kohler and myself. This is a dispute involving more than 2,000 workers who are still on strike. The company doesn't deny that.

I say, Mr. Chairman, America must find the answer to these kind of problems, and I think that the test of anyone's policy, whether it be the policy of a labor union, the policy of a management, or the policy of any other private economic group, the test of the rightness or the soundness of your policy is not if you apply it in isolation. But what will be the impact of that policy upon the total of the society in which we live if that policy were applied universally.

And if the Kohler Co.'s policy were a general policy, universally applied in American industry, we would have chaos. We would have the kind of economic and social climate that would be ideal for the Communists to exploit.

We have not had a Communist movement in America because they have not been able to exploit the social cesspools of injustice.

We have made progress, and American workers have shared in the great technological progress by higher living standards and better working conditions, and a fuller measure of economic and social justice and human dignity. This is why the Communists cannot make any progress in America, because the free-enterprise system has given a share of its wealth and abundance to workers.

But if you deny workers these things, if you ask them to work for \$1 per hour less, if you say "You work 8 hours to make as much as your competitor pays in 6 hours, and if you can't have a lunch hour, and you get \$12 when you have worked for 25 years as a pension when you are too old to work but too young to die," then you will create the climate in which communism can flourish.

I happen to believe that we can defeat communism in the world, because I happen to believe that freemen, whether they be of labor or management, or Government, have got enough good sense to find a basis upon which they can cooperate, because we have more in common than we have in conflict.

I pray, Mr. Chairman, that there will be some basis upon which we can find a way to settle this strike honorably and fairly for both the union and the workers and the company involved.

I thank you for your patience.

The CHAIRMAN. Thank you, Mr. Reuther.

The Chair will make this observation. I think every member of the committee, both as citizens of this country and also as members of the United States Senate, deplore the tragic situation that has existed and still prevails with reference to this long, drawnout dispute, strike, in a segment of our industry. I am sure any member of this committee, each member of this committee, would be willing to make any possible contribution toward a solution of the problem and toward resolving the differences and settling the strike that would be within their power to make.

The committee, however, is not so empowered as such. It has no such authority, and all we can do is to make our own comments and suggestions, possibly, as individuals, with respect to how a strike might be settled.

However, I do know the public is greatly interested in this matter. I wouldn't say, of course, it is a basic industry in the country, although I do believe in cleanliness. I am sure the whole country is interested in the standpoint of the vital issues that are involved. Therefore, I shall not proceed further or propose any solution of the strike at the present, as such.

This committee is charged with the duty of investigating improper practices in the labor-management field. While Mr. Kohler testified on yesterday with respect to his company's position on the issues that are involved, and that preclude or have prevented a settlement of the controversy, I asked him the specific question to name, point out, specify, exactly what he considered to be improper practices that had been indulged in by the union since the incipency of this strike. He named five. Those are in the record, and I need not repeat them.

At this time, Mr. Reuther, as president of the UAW, I shall ask you to name and specify what you regard as the improper practices that the company has engaged in since the incipency of this strike, or since the incipency of the controversy.

I may say from the time you began to negotiate for a contract out of which this disagreement or strike resulted. If you will, name them, please.

MR. REUTHER. Mr. Chairman, I think that the main areas in which the company is guilty of illegal and improper practices are the following:

First of all, the most serious thing they are guilty of is that they have refused to bargain with our union. They have been found to be guilty and in violation of the law by the trial examiner of the National Labor Relations Board. Specifically under that heading the company has refused to negotiate with the union for the purpose of reaching an agreement. They have merely gone through the motions of negotiations in order to avoid an agreement.

THE CHAIRMAN. He lists that as failing to bargain in good faith.

MR. REUTHER. Yes, that is correct.

THE CHAIRMAN. That covers the provision.

MR. REUTHER. That breaks down into a lot of specific things which I would like to mention.

THE CHAIRMAN. You want to break that down into subheadings.

MR. REUTHER. That is correct. They were guilty not only of not bargaining in good faith to reach an agreement. They were bargaining in bad faith to avoid an agreement.

No. 2, they were obviously engaged in an improper activity when they were trying to break our union. The Kohler Co. does not have a legal right to determine which union represents the Kohler workers. Under the law that is a decision which only the Kohler workers can make. The Kohler Co. can attempt to beat the union on economics. It cannot legally attempt to beat the union with respect to which union is the proper bargaining agency for their employees. When they try to break the union, they are in violation of the law.

The trial examiner found the company guilty of these matters. He said that the company prolonged the strike, and that they unilaterally in violation of it made wage increases. Wage increases that they were unwilling to make at the bargaining table, but wage increases which they made unilaterally in violation of the law.

The CHAIRMAN. In other words, they gave a wage increase since the strike began in excess—is that what you are saying—of what they ever offered during the course of negotiation?

Mr. REUTHIER. That is right. Moneys they put into effect unilaterally. They were unwilling to offer the union at the bargaining table as a part of the collective bargaining effort to settle the strike. That is illegal. The company also refused to give us certain wage data that the law requires them to do. They were found guilty of that by trial examiner.

The CHAIRMAN. In other words, they refused to provide you with certain data, documents and records to which you felt you were entitled.

Mr. REUTHIER. That is correct. Some of these things sort of relate to each other. Specifically, the trial examiner found during the period when Judge Murphy was involved—this is when we really got close. This is when we thought another little half inch would put it together. There is no question about it that the company at that time when it looked as though we could bring it together using the good offices of Judge Murphy, this is where the company aggressively moved to widen the gap. There was no question about it that they were bargaining to avoid agreement and not bargaining to reach agreement. That just further details the thing.

We think the company was wrong and took an illegal act when they discriminately discharged the eighty-odd leaders of our union. I think all told there were 93 people in that group. That is the one broad category that they were in violation of the law, because they were not bargaining in good faith with these specific illustrations.

The second point, Mr. Chairman, we think that it is an improper activity—it may be legal but it is certainly an improper activity—within the spirit of the law for a company that is guilty of not bargaining in good faith, not being willing to bargain to try to reach an agreement, for a company under those circumstances to try to displace the strikers who have designated a union in order to disfranchise them and get another union in their place. We think that certainly is an improper activity.

In this case this is precisely the technique the company was using.

The CHAIRMAN. By employing—

Mr. REUTHIER. I am not talking about asking workers who worked there to return to work. I am talking about displacing strikers by people that we would call strikebreakers in order to get a situation where they can say, "You don't represent the workers any more." This was an improper practice, we think.

The CHAIRMAN. We can shorten it and embrace it all by simply saying employing strikebreakers.

Mr. REUTHER. No, I would qualify it, Mr. Chairman. I make this very essential distinction. If a union were guilty of an unfair labor practice, if a union was unwilling to bargain in good faith and they were trying to destroy a company by not meeting their legal and moral obligations. I would think that a company would have a right under those circumstances to defend itself by hiring replacements. But when a company is in violation of the law, when they try to displace strikers, that is an improper practice.

The CHAIRMAN. We can say it this way. Employing strikebreakers under the conditions and circumstances that prevailed at this plant.

Mr. REUTHER. That would be a generalized way of saying it.

The CHAIRMAN. I am trying to make it brief.

Mr. REUTHER. I think you are doing very well.

No. 3, the company created a small arsenal, bought large quantities of arms and ammunition, including gas guns, hundreds of rounds of gas shells and 12 antipersonnel riot guns, numbers of shotguns, thousands of rounds of ammunition and other weapons.

The CHAIRMAN. In other words, you think that was an improper practice for the company, to "prepare for war"?

Mr. REUTHER. I go back to the La Follette Committee findings that this is contrary to the spirit of the Labor-Management Relations Act. You are supposed to bargain in good faith and not prepare for war. We think that is what they were doing.

The Wisconsin Employment Relations Board has stated and I quote—

It seems inconceivable that in a forward looking community in a state as progressive as the State of Wisconsin, any employer would feel it necessary to resort to self-help by the means of arms, ammunition and tear gas bombs. There is no possible justification for an employer today to resort to the use of such means in any strike.

This is the conclusion, so we think that is highly improper activity, and is completely contrary to the spirit of good faith collective bargaining.

The CHAIRMAN. All right. Are there any others? I am just trying to get them listed.

Mr. REUTHER. No. 4, the company employed informants and detectives and spies and spent in excess of \$40,000 and used those detective agencies and spies to carry out what we think are improper activities. I would like to list several of the details under this. Here again the La Follette Committee found that this was an improper practice, contrary to the spirit of the law that requires good faith collective bargaining. The spies, as we all know—and I think the first thing I list here is a very serious matter, they are all serious—they spied on the activities and background of a Government attorney while he was involved in the processing of a case before the National Labor Relations Board involving this company in this dispute. I personally think it is a sad day in America when a company employs spies to shadow Government officials while they are carrying out the provisions and their constitutional obligations under the law. That is precisely what they did. They spied on union activities at our strike kitchens, on our picket lines, and they attempted to improperly get information at the hotel where some of our people were living.



They interfered with the United States mail, as their reports will indicate. They kept track and invaded the people's privacy by finding out about long distance telephone calls. They spied on the personal lives of strikers and international representatives and union officials. On one occasion their paid spies posed as a law enforcing agent in an attempt to secure information under false pretenses. These are some of the things they did.

All of these things in our judgment are improper practices and are contrary to the spirit of the law that requires good faith collective bargaining.

The CHAIRMAN. So you have listed four in general terms.

Mr. REUTHER. That is correct.

The CHAIRMAN. With subtitles.

Mr. REUTHER. Some of them cover a multitude of sins.

The CHAIRMAN. With subtitles.

Mr. REUTHER. That is correct.

The CHAIRMAN. Have you concluded now? Is that your total number?

Mr. REUTHER. For the Kohler Co., these four broad categories, we think, encompass the illegal and improper activities of the company in this strike.

The CHAIRMAN. The Chair will likely want to interrogate you further some time before you have concluded your testimony, but my purpose was to try to get this in focus: What the company claimed was an improper practice and what you contend has been an improper practice on their part, so that we might really have an issue here for us to weigh when we come to deliberate and determine whether we conclude you are right, they are right, or you are right in part and they are right in part, and so forth. Without objection I am going to permit the counsel to proceed with interrogation and any Senator, if he feels he wants to interrupt for clarification or other purposes, may do so.

Mr. Counsel, will you proceed for the present. In the meantime the Chair is going to ask Senator Ives to take the chair for a few minutes. Senator Ives, will you preside?

Mr. KENNEDY. Mr. Reuther, you had some representatives from the international union who were present there are the negotiations after the strike began at Kohler?

Mr. REUTHER. That is correct.

Mr. KENNEDY. They were sent up with your knowledge and consent?

Mr. REUTHER. The international representatives when we organize a new local are obligated to assist that local in preparation for the collective bargaining and to help them actually in the collective bargaining. This is a normal procedure each time we organize a new local. We send them in. Depending upon the character of the work being done, we send in representatives who will be competent in the specialized field.

Mr. KENNEDY. After they signed the first contract, Local 833 came into existence, then you sent some international organizers in after that. Is that the usual procedure?

Mr. REUTHER. We have two types of international representatives. We have people that we call our field representatives in the sense that they work out of the national departments—a skilled trade representa-

tive working out a national department—and he would help the local union on a skilled trade problem. We have a GM staff personnel at the GM department, the Ford national department, who will go out at certain levels of the bargaining procedure to help. Then we have in each region what we call our service representatives. They are the fellows who are assigned geographically and who work in a given area in administering the contract and processing grievances and handling the day to day problems. You need to always understand that when you negotiate a contract, that is not the end. You have to implement the contract. You have to make it work. We have field representatives who we call service representatives who work at that level.

Mr. KENNEDY. Then at the time when it appears that there is going to be a strike or after a strike vote is held, do you have some arrangements to send up international organizers at that time to assist the local union?

Mr. REUTHER. We don't have a routine procedure. What happens is that in each situation the regional director who is directly involved, and who is the responsible officer in each region, he would make a request for the people that he would think he would need in any given situation.

Mr. KENNEDY. Do they keep the international advised as to what is going on in a particular area?

Mr. REUTHER. The flow of information depends upon the kind of a problem.

Mr. KENNEDY. They are responsible still to the international, are they not?

Mr. REUTHER. That is correct.

Mr. KENNEDY. Who specifically are they responsible to?

Mr. REUTHER. It depends on who they are working for. Theoretically they are all under my direction, but as a practical matter they work under department heads or other officers, depending on the nature of the problem.

Mr. KENNEDY. In the Kohler situation who were they responsible to?

Mr. REUTHER. In the Kohler situation, the people working at the level of the situation in Sheboygan if Mr. Kitzman had been there, he would have been the top officer and they would have worked with him. If the person were working for an officer, he would report directly back to that international officer.

Mr. KENNEDY. You kept yourself advised as to what was going on and how it was proceeding?

Mr. REUTHER. No. I will tell you, I was not close to the Kohler situation because when the Kohler strike began, it was not a big strike. Our union is so large that it has been physically impossible for me to be involved in the 2,600 contract negotiations. I involve myself in all of the major negotiations. If there is a strike related to one of those, then I get very much involved, but I can't be involved in these. Therefore, I personally was not very close to the Kohler situation.

Mr. KENNEDY. The international representatives up there in the Kohler situation or where you send them in have a position of authority, do they not?

Mr. REUTHER. The international representative, he has certain authority. He cannot supplant the local union. The local union, you must remember in our kind of democratic union, has autonomy. This was their strike. The international representative obviously was re-

sponsible for trying to give them some direction and assistance, but he cannot substitute his judgment for their judgment. He can persuade them, but he cannot make the decision for them. Because under our constitution they have the constitutional right under their autonomy to make certain decisions. The Kohler strike was a strike of the Kohler workers. They voted for the strike. They had the strike committee. The international representatives could not substitute their decision for the decision of the local strike committee of the local union. For us to do that, we would have had to put the local under receivership.

Mr. KENNEDY. If the international representatives find that the local people are performing some illegal or improper activity, certainly they can take steps to put a stop to that.

Mr. REUTHER. I think they would be obligated to do everything they could to persuade the local union to cease any actions that were improper.

Mr. KENNEDY. Those international representatives are responsible to the international union, are they not?

Mr. REUTHER. They are.

Mr. KENNEDY. And finally and ultimately responsible to you personally, as the president of the union?

Mr. REUTHER. That is correct. Structurally that is the way it works out.

Mr. KENNEDY. During this period of time that the strike was going on at Kohler, Wis., for a period of 54 or 56 days, there was mass picketing going on outside the plant gates. Do you have any explanation as to why the international did not take steps to end the mass picketing when it began?

Mr. REUTHER. Let me tell you what my understanding of the situation was. First of all, Mr. Kennedy, we don't argue with the point of view that says—

Mr. KENNEDY. Will you just answer the question? Did the international take any steps to end the mass picketing?

Mr. REUTHER. As soon as it was brought to my attention, as soon as we had a clear definition that the activities up there were improper, we ceased them.

Mr. KENNEDY. What did you mean? You did not know on the fifth of April, for instance, that the strikers were keeping the people who wanted to go to work outside? They were keeping them from their work. You were not aware of that?

Mr. REUTHER. I personally was not familiar with the situation on the Kohler picket line, but other people in the international union were, because I was later advised.

Mr. KENNEDY. Why didn't they take steps at that time?

Mr. REUTHER. All right. Because in the judgment of the people who were handling it at that time, and this involved a number of lawyers who were working on this thing, they felt that there was a doubtful area there and they felt that in view of the fact that the Kohler workers had this great fear of what happened in 1934, they came in large numbers as a matter of personal security, and that the company had challenged the question did the union represent the majority of the workers in the strike. They came out to meet that challenge. This whole thing with respect to the company's position

was somewhat clouded. When this was discussed, although I was not present, I was told—had I been there I may have agreed with what was decided—the decision was until this is further clarified we really are not involved in any improper activities. When it was decided, we moved. I wish the company would move as quickly when they were found guilty.

Mr. KENNEDY. You are talking about the fact that there were a lot of people out there that were in fear and they were all gathered there in order to protect one another. I am not talking about that. I am talking about the fact that these people were preventing other people who wanted to go to work from going into the plant. That specifically, not the fact that there were 2,000 people out there. If they had opened the gates and let the other people come through, I don't think there would be any criticism. I am talking about the fact that they kept nonstrikers who wanted to come into the plant and return to their jobs out of the plant, and that started on the 5th of April 1954, and continued for some 2 months.

Mr. REUTHER. On the question of whether they should have kept people out, we have no argument. I think that was an improper activity. The question is, picket lines are not formed in vacuums. Picket lines are formed in the real world where real people have real problems. I say, Mr. Kennedy, if we are writing a theoretical paper, then I agree completely that a worker has the right to strike and walk the picket line, and he also has the right to work. I am saying you cannot divorce this from 1934. People could not wipe it out. People are human beings. I think if I were sitting here today and you said to me, would you do that again, I would have made a trip to Wisconsin to see that it did not happen. I am trying to explain that when this thing came up the union believed—I was not there, but the people who made the decision believed that taking all these facts into consideration—we were not engaged in improper activity. When we found out we were, we stopped it.

Mr. KENNEDY. I don't understand that. It was not until April 1954—the UAW had been in existence for quite a while—that the UAW found out that keeping somebody from their job is an improper activity, and that they did not find that out until some time after the strike had started at Kohler, Wis.

Mr. REUTHER. The UAW had been in business a long time, but we never had one like this before. This is the difference.

Mr. KENNEDY. Is this the first time that the UAW has ever attempted to keep employees who want to return to work out of their jobs?

Mr. REUTHER. I think this sort of thing has happened before, but never like this. We have never had one like this before, and I pray we will never have another one. One of these in a lifetime is enough.

Mr. KENNEDY. Even at that early time, the explanation and the history that you have given of the Kohler plant and the situation there, a good deal of it happened and occurred after April 1954. Would you feel that there was even provocation right on the first day of the strike to keep those who wanted to return to work out of their jobs?

Mr. REUTHER. I think there was provocation even before the strike started. I think in view of the background, the emotionalism, the bitterness, the company guns, barricades, and everything, this was the climax. We thought the company was not bargaining in good faith.

This got all confused in the legal thinking up there. In retrospect I think they made the wrong decision. They made it and we did not know at that time it was an improper activity. When it was found to be, we stopped it.

Mr. KENNEDY. I understand you did not know the fact of keeping an employee from his job was an improper activity.

Mr. REUTHER. Under the circumstances, because the company did not have clean hands, they felt that this somewhat created an area of doubt from a legal, technical point of view, and the lawyers argued that we ought to test that. This is the way I have been told. I was not there. This is what I have been told the way this matter was decided. It was not a big council of war to talk about this. It just kind of developed up there. This is what the lawyers felt. Based upon that, our fellows did not move until the issue was clearly defined. Then we moved as quickly as we could.

Mr. KENNEDY. When did you first learn about it yourself?

Mr. REUTHER. Personally?

Mr. KENNEDY. Yes.

Mr. REUTHER. I really could not tell you. I was not close to the Kohler strike. My first involvement in the Kohler strike was when I tried to hit Mr. Kohler at the bargaining table. I was only up in Sheboygan once for the whole period of this strike. I don't even remember the date of that.

Mr. KENNEDY. Was that after the decision was to end the mass picketing?

Mr. REUTHER. I am sure it was.

Mr. KENNEDY. Also, during your opening statement you made rather a point of not condoning violence. I am thinking of the situation as far as Mr. Vincent is concerned where you had a man who weighed some 225 or 235 pounds beat another man weighing some 125 or 130 pounds from behind. Did you take any steps against Mr. Vincent at that time when that was brought to your attention?

Mr. REUTHER. I think what Mr. Vincent did was reprehensible. I think Mr. Vincent did this union a great disservice. I think what happened with Mr. Vincent ought to teach our union that we need to do something about this kind of problem. I thought the chairman was going to ask me what I thought the union had done wrong, and I was prepared to talk about that. I think this might be a good place to say it. I think one of the things we have learned from this strike is that in a situation where there is a close feeling between local unions as there are—Briggs local was very closely involved, because they were losing jobs because of the unfair competition of the Kohler Co. in the plumbing fixtures field because the Briggs people make the Beautyware line. It was logical for the Briggs people to support the Kohler workers to get higher wages and better working conditions because that indirectly would help them. I think we need to do more to exercise a greater affirmative leadership and direction when local people come in. Mr. Vincent did not work for the international union. He was not sent by the international union. He was not under our authority. Technically an international representative had no authority over him. I think when people come in under those circumstances, the international union is obligated to see to it that these people do not—to exert more affirmative leadership. I think Mr. Vincent hurt our union no end. I for not one second will defend

what he did, because I think he was wrong. He was punished. He should have been punished. Things that we did was to help his family. His family didn't make the mistake. I did not think they should be punished. But I think we need to have more affirmative leadership. This is not easy.

We have a democratic union. You cannot on the one hand say the labor bosses on top run all these things autocratically, and then the next minute say you have not got enough control. In a democratic union it is difficult because the fellows at the local level, it is their union and they have a right to make the decision. I think we need to find a way to provide for affirmative direction to avoid the sort of tragic thing that Vincent became involved in.

I also think that these demonstrations in the homes, I do not approve of that. I have checked into this. I do not think they were organized by the union, but I do not think the union provided enough affirmative leadership to discourage them. I think this is another thing we have learned on this strike. I didn't think you could win industrial disputes in front of people's homes in their neighborhoods. I know my home is a sacred place. I know it has been violated by the gangsters paid by corporations to come in and shoot me and beat me up. I know the underworld would like to have me out of the way because we won't let the rackets flourish in our plants. So I feel very sensitive about what goes on around a man's home. I think these things came out of the climate up there, out of the feeling, and I think they did us harm. I think the other thing that we need to do, and we learned in this strike, I think local unions have to communicate with their people. But I think to have a daily strike bulletin is asking for trouble. A guy has to fill it every day. I don't think it makes sense. I think these are some of the things our democratic organization learns. The important thing is, will we learn from this and try to correct it. I think we will. I think we have learned some things. I think we have made some mistakes. The point is that when we find we are wrong, we are prepared to try to correct them. But when the company is found to be guilty as they have been found to be guilty, we go on. The law of the jungle—they just think they can starve us out. That is the difference.

Everybody makes mistakes. To err is human, to forgive is divine. We know we have made mistakes. But where we try to correct them, it seems to me this is the way you learn in a democratic organization. I think the Vincent thing was a sad thing. I think that we have to do something to avoid a repetition of it because it has not happened very often in our union. We would like to try to work it out so it would never happen. The fellow was drunk. That is no excuse. I don't say that because I don't drink. I just don't think anybody can say, "I slugged a man, I am sorry, I was under the influence of alcohol." Nobody has a right to slug anybody no matter whether they were drinking or not, in my book. This is not how civilized people resolve differences.

(Members of the Select Committee present at this point were Senators McClellan, Kennedy, McNamara, Mundt, Curtis, and Goldwater.)

Senator GOLDWATER. To refresh my memory, what was the question? I wanted to inquire what the question was.

Mr. KENNEDY. I was asking him about Vincent and he was explaining a number of things that he felt that the union had done wrong.

Senator GOLDWATER. What specifically about Mr. Vincent?

Mr. KENNEDY. I believe I asked him——

The CHAIRMAN. The witness was asked about the Vincent incident, and after saying that he repudiated that, he also pointed out some other things he thought the union had done wrong.

Senator GOLDWATER. Thank you.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What I was going to ask, Mr. Reuther, was up to this time or up to the period that these hearings began, had you criticized Mr. Vincent's behavior?

Mr. REUTHER. No; I had not. I discussed it inside the union. I felt very badly about it. I thought the thing to do was to try to do everything we could to avoid a repetition and just stirring the thing up—there is a lot of bitterness up there and I just thought that was not the thing to do.

Mr. KENNEDY. Did you criticize the mass picketing or any of those things that were going on, or the home demonstrations?

Mr. REUTHER. As I say to you, there are many of these things that I did not know about. That is no excuse. I do not make any excuses. I just say that we have learned a lot of things about this strike and you will find that we were going to try to correct them where we were wrong.

We do not claim to be infallible. No one is. Where we have made mistakes, we are going to do our best. But the simple facts of life are that this company would not meet its obligation under the law, and that this company has a record of violence and a record of being antiunion so long that you just cannot mechanically control the emotions of people.

While I do not justify anything that was done, although the record will show that the union has not been found guilty of violence, I just think that this is not right. When I read about these things, I get pretty sad, because I can translate it into a personal experience.

It is one thing to read about somebody else getting shot. It is another thing to be shot up yourself, and to have your brother shot. It is one thing to lay on a living room floor with a bunch of 300-pounders laying on you with blackjacks, and beating on your head.

I have lived all of these things. Nobody can tell me that this is the way a decent, free society has to resolve its differences.

Mr. KENNEDY. That is why during this period of time that there has been a long strike and these things were going on, I was questioning you if you had criticized the fact that these things were taking place, the home demonstrations, the Vincent incident, and, to some extent, the mass picketing, whether there had been any criticism up to this time.

Mr. REUTHER. Inside the union I discussed this and expressed my point of view, but when the company is out there harassing these people, doing all the things, it is not an easy thing. I wish I could press a button in Detroit and get everybody up there to think that the Kohler Co. was doing the right thing, but that is not so easily done. That does not justify it.

Mr. KENNEDY. I would like to ask you some questions about the boycott and the incidents that took place in Milwaukee, where there was picketing of some of the stores which were handling Kohler products, whether you knew that that was going on and condoned that activity.

Mr. REUTHER. When this matter was brought to my attention, I was advised that the question had come up, as it related to the Labor Board procedures, and in every situation where the union was even accused of being outside of the limits of what is a proper and legal consumer boycott the union stipulated in those situations, and these alleged improper activities were ceased.

That is the information that I was given when these matters came up. I mean, we were attempting to conduct a strict consumer boycott and where people got out of line, and it came to our attention, we attempted to get it back in line because we were trying to work within the confines of what strictly was a primary consumer boycott.

Mr. KENNEDY. The international organizers, again, that were in Kohler and who did have some responsibility that knew, for instance, about the "Follow-the-Truck Committee," which would go into these areas and start this picketing of these shops that were handling Kohler products?

Mr. REUTHER. It was my understanding, Mr. Kennedy, that they were not picketing, but they were demonstrating for the purpose of advertising it. Maybe you start splitting hairs. I am not interested in that, really, because it gets no one anywhere.

The facts are that they were supposed to be advancing a legitimate and legal primary consumer boycott. Sometimes people are overly enthusiastic and they get a little bit out of bounds. But where we found that was the case, we did everything we could to correct it as early as possible.

Mr. KENNEDY. That is all for now, Mr. Chairman.

The CHAIRMAN. Are there any questions?

Senator GOLDWATER. Mr. Chairman.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Reuther, sometime ago when this inquiry into the UAW strike versus the Kohler Co. began, you made quite a fuss about the fact that you were not being allowed to testify at the beginning of the hearing.

As one of the Senators who resisted your being the first witness in this case, I would like to state that the hearings thus far have certainly borne out my position. The hearings have gone on for some 20 days, during which time we have received thousands of pages of testimony.

I will admit some of this testimony is rank hearsay and of questionable value, but nevertheless, the great preponderance is first-person, narrative-type testimony. It is my feeling that your personal appearance here today will not greatly add or detract from the hearings that have been developed so far.

By your own admission, you have only been to Kohler, Wis., one time, and then only on a speaking engagement. You have very little firsthand information about the strike. However, as president of the UAW, I would like to ask you questions and confine these questions to certain policy matters which have arisen concerning the UAW strike against the Kohler Co.



I would like to make it clear that I think your testimony would be more valuable after we have had time to go more thoroughly into the pattern followed by the UAW in strike negotiations and strikes, and I would also be happy to have the opportunity to question you after the committee has gone more thoroughly into the question of the Perfect Circle strike, and particularly I would like to have a chance to examine you on what I consider to be a most important phase of union activities, union participation in politics, after this committee has gone into that subject.

At the present, however, we are discussing the Kohler matter and I will direct my questions to the information we have received during the past 4 weeks. Not the grievances, not the reason for the strike, not the points of negotiation in the contract, but the subject of violence as developed from the testimony.

Mr. Reuther, I assume that you have familiarized yourself with the testimony that has been given this committee thus far?

Mr. REUTHER. In a general kind of way, Senator Goldwater. I must confess I have not read all of the transcripts. I just could not find that much time.

Senator GOLDWATER. But you would feel competent to answer general questions confined to the area in which I, as one Senator, feel that you, as president, should have some knowledge?

Mr. REUTHER. Well, I shall do my best to cooperate. At the point that I do not feel competent, I shall tell you.

Senator GOLDWATER. Thank you.

It has been brought out in testimony here, that to date, the international union has spent something in excess of \$10 million in support of the Kohler strike. Am I correct in that?

Mr. REUTHER. In round figures, I think that that is true, for food and clothing and other things, essentials for the strikers and their families.

Senator GOLDWATER. To support the strike, generally?

Mr. REUTHER. To support the strikers.

Senator GOLDWATER. If you spent this amount of money for the strikers or for the strike, would you not have some control over how the strike was conducted?

(At this point, Senator Ives entered the hearing room.)

Mr. REUTHER. We have a strike relief program, Senator Goldwater, and this is administered through the financial office of our union. The level of benefits, in terms of the number of children and all of that, is worked out as a part of a program, and this is administered by the financial officer.

This does not require my approving each payment. This is done as a matter of a program and a policy and the financial officer of the union, the financial secretary, then is authorized by the constitution to administer the strike relief program.

Senator GOLDWATER. Now, Mr. Reuther, the question was: You, as president, knowing of the dispersal of this fund in these amounts, would you not have say-so or control over the strike?

Mr. REUTHER. The disbursement of the strike relief program flows automatically from our strike relief program which is worked out in advance, which applied to all strikes, not just the Kohler strike and the responsibility for administering that strike relief program

was a constitutional authority and responsibility of the financial officer of our union.

Senator GOLDWATER. Do you deny that you have any control over how the strike was conducted?

Mr. REUTHER. I do not deny that I am president of the union; no.

Senator GOLDWATER. That does not answer the question.

Mr. REUTHER. I am the highest officer of the union.

Senator GOLDWATER. I know that. I am well aware of that, but do you deny that you would have any control over how this or any strike was conducted inasmuch as international funds are being used?

Mr. REUTHER. Well, I am a member of the international executive board, and we authorized the Kohler strike and at the point we authorized the Kohler strike we automatically authorized the application of our strike relief program, and at that point automatically it was administered by the financial officer.

That is standard procedure.

Senator GOLDWATER. Then your answer would be, as I take it, that you, as president and as head of the executive board, having authorized the expenditure of these funds, would have control over how a strike was conducted.

Mr. REUTHER. No; the strike relief fund has nothing to do with the control over how a strike is conducted. The strike relief program is a strike relief program. This determines how much relief a worker gets. If he has so many children, he gets more. If he has fewer children, he gets less. The two things are quite distinct and separate.

Senator GOLDWATER. I cannot quite get the difference.

Do you mean to say that your union, with the approval of the executive board, over which you have authority, and members of which are responsible to you, having spent \$10 million on a strike that you would have no control over how that strike was conducted?

Mr. REUTHER. I would have certain authority over the general conduct of the strike, which would flow from my responsibilities as the highest officer of the union. But the question of the administration of the strike relief program is quite separate and apart.

I do not have control over the executive board. The executive board has control over me. They are superior in authority to me. So the thing, Senator Goldwater, I think you need to understand is that when a strike is authorized, it is authorized by the international executive board under our constitution only after the workers have met the constitutional requirements of a secret ballot vote and so forth.

Then, they petition the international union for authorization. If the board in its judgment, after reviewing all the issues, grants strike authorization, then automatically—we don't need different action—automatically at the point a strike is authorized, at the third week of the strikes—the first 2 weeks they do not get any relief—at the third week of the strike the strike relief program, which has already been worked out, goes into effect automatically.

The executive board takes no further action; I take no further action, and the officer who administers that is the financial officer of the union.

Senator GOLDWATER. Any authority over the control of a strike such as this one you deny?

Mr. REUTHER. I obviously have the constitutional responsibilities as the chief administrative officer of the union.

You are trying to equate the administration of the strike relief program with control of the strike, and I say they are two quite separate things.

Senator GOLDWATER. Have you ever spent this much money on a strike relief program before?

Mr. REUTHER. We have never had a company this bad before.

Senator GOLDWATER. That is not the answer to the question.

Mr. REUTHER. Then we did not need to. That is the point. We have never had the necessity, let me put it that way, because we have never had a company so arrogant, so unreasonable, so in complete defiance of the laws that it took them more than 4 years—because this is not resolved yet—to get them to live up to the law.

Obviously, it costs more money to have a long strike than it does to have a short strike.

Senator GOLDWATER. Would the reporter read the question back?

(The reporter read the question as requested.)

Mr. REUTHER. The answer to that is obviously no, because we have never had a strike this long.

Senator GOLDWATER. That was the type of answer I was seeking.

Do you realize that any time you thought the strike was being conducted illegally and you disapproved of that, you could have corrected the situation by refusing further financial support to the strike?

Mr. REUTHER. Well, Senator Goldwater, if at any time, in any strike—we won't limit this just to the Kohler strike—I personally, or the executive board of our union feels that local people are involved in illegal and improper activities and they do not correct it, we will stop their strike relief benefits, but that was not the case here.

When we learned about this, the local union did cooperate in carrying out the decisions of the Wisconsin Employment Relations Board. They did cooperate, so there was no need for our saying, "If you don't take corrective steps, we will cut your relief off."

But, if a local union would refuse, then this is one of the things that we would do. A strike has to be legally authorized; it has to be conducted according to our constitution, or we are not permitted to give them strike relief.

Senator GOLDWATER. It is also supposed to be conducted in accordance with the law of the State and the land, and when you found out that it was not, did you at any time threaten to withhold financial support?

Mr. REUTHER. No; because as soon as we knew that that was decided clearly and beyond doubt, the local union complied. The thing that makes us sad is the company won't comply with the law.

Senator GOLDWATER. I understand that the union appealed this case—I mean the case of the cease-and-desist order—of the Wisconsin Employment Relations Board, banning mass picketing right up to the Supreme Court. Am I right about that?

(The witness conferred with his counsel.)

Mr. REUTHER. Yes. I think the lawyers can tell you the technical reason for that. I was not there. I would be happy to have Mr. Rauh tell you why that was done.

Senator GOLDWATER. I am not a lawyer and neither are you, and I probably would not understand it better than you would, so we are talking as a couple of laymen.

Mr. REUTHER. I think, Senator Goldwater, if the man who knew tried to explain, he would be able to do it.

Senator GOLDWATER. Well, we could have a good time then.

You know what the Supreme Court is, and you answered the question. I believe your counsel told you that this question did go up to the Supreme Court?

(The witness conferred with his counsel.)

Mr. REUTHER. I am told that on the issue of preemption only, and not on the merits of the case. I do not expect you and I to understand that, but that is what he tells me.

Senator GOLDWATER. Well, it got up there.

Did the international union pay for the lawyers and for all the costs of handling this appeal?

Mr. REUTHER. I am sure they did.

Senator GOLDWATER. So the international union had a feeling of responsibility in this strike?

Mr. REUTHER. There is no question about that, Senator Goldwater. We still have a responsibility.

Senator GOLDWATER. So you, as the international president, could have had some control over that strike, could you not?

Mr. REUTHER. Well, you know, when you use the word "control" I am not quite sure where you are standing. It just so happens this is a democratic union. The local union strike committee was set up democratically by the local union. They voted for the strike. We had certain responsibilities for giving the directions and whenever we found out clearly and in retrospect you could say, I think, the wrong decision was made, but as soon as we knew clearly where we were, the local union cooperated wholeheartedly in complying with the decision of the Wisconsin Employment Relations Board's decision and there was no reason why we had to exercise control, because voluntarily the local union cooperated.

Senator GOLDWATER. Mr. Reuther, you would agree, would you not, that union leaders in recommending strike action to their membership have certain responsibilities?

Mr. REUTHER. I would say, Senator Goldwater, that when a trade union leader recommends to a group of workers that they decide to collectively withhold their labor, that that is a very serious responsibility and should be done with great care.

I can assure you that that is the way I have been trying to do my job.

Senator GOLDWATER. Would you agree that this responsibility includes an obligation to see that the strike is conducted by legal means?

Mr. REUTHER. I said to you, Senator Goldwater, that we try to live within the law because we do not think that we are outside the law, and that where our people have been responsible for doing things that were improper, we took immediate steps to see that they were corrected.

Senator GOLDWATER. Would not the responsibility like this require that a union official have some elementary knowledge of the laws governing strikes, picketing and other forms of union activity in a community or State in which the strike takes place?

Mr. REUTHER. Well, the average labor leader does not try to become a lawyer, and an economist and everything else. Collective bargain-

ing gets pretty complicated. You ought to deal with some of the actuarial tables in the pension plans. It is just about all you can do to keep your reading up to date so that you can talk about these things intelligently.

We do not try to become lawyers on the side. We rely upon our legal counsel. That is why we have them, and we pay them pretty well.

Senator GOLDWATER. Would you not agree that the responsibilities of a union leader at any level would be a knowledge, at least a basic knowledge, of some of the laws that would govern the actions that would be normally followed by you?

Mr. REUTHER. I think generally that the average union official has a general knowledge of the laws that bear particularly upon the collective bargaining field. But, if we knew all the answers, then we could lay off all the lawyers and contribute further to the growing unemployment in America, but we don't. We keep them on the payroll.

Senator GOLDWATER. We do not want to lay off all the lawyers, although there are some that probably should be laid off.

Now, Mr. Reuther, going up the ladder a bit, when an international union sends international representatives into the local community to help in striking or help in any problem that a local might be confronted with, do you not think that those international representatives should likewise have a more or less basic knowledge of the laws that are going to control the activities in which the local might become embroiled?

Mr. REUTHER. I think it is obviously desirable to have everyone who works for any organization, whether it be a union or corporation or fraternal group to have as broad a knowledge as possible in the areas of their responsibility.

But you must remember, Senator Goldwater, in our constitution it only permits us to appoint people as international representatives who worked in the factories.

We are not legally and constitutionally permitted to hire people as international representatives excepting people who worked in the factory.

Obviously, we can't say to General Motors, you start hiring a lot of lawyers on the assembly line so we can get a few as international representatives.

We have to take workers. We try to give them as much training. We have a fellow in the skilled trades group and he will know the skilled trades problems, another on occupational diseases will work on silicosis, and another on social security. We can't have them know everything.

I think, generally, they ought to have a little knowledge about the laws that bear upon collective bargaining. But when we have a matter that is very delicate that is in doubt, we rely on our lawyers, as we should.

Senator GOLDWATER. I agree with you. I was trying to get out of you that your international representatives having reached that level and that is not a low level—I might say that your international representatives that we have had here are in my opinion rather intelligent men.

Mr. REUTHER. I think we have good people.

Senator GOLDWATER. Would you agree with me that being intelligent men and having been through the union movement that they would be expected to know something about the laws of the State or community that they were going into?

Mr. REUTHER. I think that would be very desirable.

Senator GOLDWATER. That would be correct, wouldn't it?

Mr. REUTHER. That is right.

Senator GOLDWATER. You would expect them to do that?

Mr. REUTHER. I think you would agree, Senator Goldwater, that we might pick a fellow, a GM worker, because the staff post that we have to fill in the GM department may be the very thing that he is really the most competent to handle. He may be a terrific guy in that area but he may know very little about some legal question.

We will pick him to fill that spot. We have fellows, for example, who we think are real wizards with a sharp pencil when we are computing the pension benefits and actuarial tables, who may know nothing about labor law but is very good in the field in which we have picked him.

Senator GOLDWATER. Was not Mr. Gunaca picked because of any particular legal qualification?

Mr. REUTHER. Mr. Gunaca was never chosen as an international representative. He was asked by his local union to go up there.

This is the thing I pointed out before. This is an area which I think they have to do some tightening up. I don't think the local union, even though it was motivated by the best of intentions and this local wanted to help out because it meant their bread and butter, this is an area—let us not confuse it—neither Mr. Vinson nor Mr. Gunaca were international representatives. We didn't send them. The local unions asked them to be up there.

Senator GOLDWATER. They made it clear. They were morale builders. If these international representatives have people who would have no particular reason to be familiar with the laws, wouldn't you say that they had a responsibility to secure the advice of counsel of either the local or the international?

Mr. REUTHER. That is precisely what they did. This is where this problem came up. It was this whole area of what was the law. I can sit here and I can act very superior and say, "Well, they were wrong."

Sure they were wrong. They changed it when they found out they were wrong. But the lawyers felt taking into consideration all the things involved, the fact that the company was not coming in with clean hands, this whole thing, they said, "There is some doubt." When this doubt was resolved, the thing was corrected. You can criticize them by saying they were wrong, and I think they were wrong.

This is what happened. I am trying to testify what I was advised happened.

Senator GOLDWATER. The Wisconsin Employment Peace Act prohibits in specific terms mass picketing. The law provides it will be an unfair labor practice to hinder or prevent by mass picketing, threats, intimidation, force or coercion of any kind, the pursuit of any lawful work or employment, or to obstruct or interfere with entrance to or egress from any place of employment. That is the law in part.

Mr. Reuther, do you believe it was the duty of your international officials who are assisting the Kohler strikers either to be familiar

with this provision of the law or to seek competent legal advice concerning it?

MR. REUTHER. I think whenever you are not familiar with the law and legal problems involved it is the better part of wisdom to seek the advice of a competent attorney, which we did. This is precisely what happened.

SENATOR GOLDWATER. Mr. Reuther, I would like to read from the record of these proceedings some of the statements made by officials of your union, both local and international.

I now quote on page 61. Mr. Graskamp, president of local 833 at Kohler, stated and I quote:

Mass picketing is not against the law as such.

Again on page 62 in reply to my question as to what his lawyers had told him about mass picketing he said:

I did not confer with our lawyers on this.

Again on page 543 Mr. Kitzman—I believe he was an international representative—said, and I quote:

There has been a good deal of reference in this hearing and prior to it on the issue of mass picketing. There was mass picketing. No one denies that.

Again on page 549 the following exchange occurred:

MR. KENNEDY. The first illegal act that was taken by the union on April 5, and no matter what you thought they were going to do, the first illegal act was the starting of the mass picketing on April 5, 1954, isn't that correct?

MR. KITZMAN. It was not illegal.

On page 551 Mr. Kitzman said, and I quote—first let me say to you that I have said this was mass picketing:

KITZMAN. Until the WERB order came along the union did not consider this an illegal picket line.

What I want to ask you, Mr. Reuther, do you agree with Mr. Kitzman's statement that the mass picketing was not illegal until the WERB issued its order?

MR. REUTHER. It was my understanding that this matter was reviewed. As I said earlier, we did not have a big meeting in Detroit to get the executive board in on this.

This was a small local strike compared to our bargaining units. We have 350,000 people in one unit. This was just 3,400 or 3,500 people. We did not get this involved in a big decision of the executive board.

I am advised when this matter was raised there was the feeling that because of the gray area, the company not having clean hands, because of all these other things, that this was not an illegal or improper act and when it was so decided by the proper agency the union complied.

I think they were in error, but this is what they made a decision on.

SENATOR GOLDWATER. These pickets were preventing people from getting into the plant. They were picketing, as we saw in the moving pictures here—I think they called it belly-to-back—going both ways, one line one way and one line the other. They were in violation of the Wisconsin law. I think even laymen like you and I would agree that the language of that law is pretty clear.

I want to ask you again, do you agree with Mr. Kitzman's statement that the mass picketing was not illegal until the WERB issued its order?

Mr. REUTHER. I agree at the time this matter was up for consideration and judgment inside the union circles—I was not present—that they had reasonable grounds for assuming that it wasn't, and therefore until it was demonstrated to be improper they continued to do it.

I said earlier you don't talk about picketing in a vacuum. You don't sit down and write thesis to get a Ph. D. degree in the higher dynamics of collective bargaining and write about picket lines.

Picket lines are composed of human beings with real problems. These things have to be weighed in terms of all the factors. This is what influenced their decision.

If you were sitting in a classroom discussing an abstract legal thing in a vacuum, you might arrive at one decision.

These people were dealing with a real situation, with real people, with a real problem, and they made a judgment. The judgment was that what they were doing was not improper and when it was found to be improper, they stopped it.

The trial examiner found the company to be conducting illegal and improper activities but they have not stopped it. They keep going on.

This is what bothers us. I wish people down here were just as much concerned about that.

Senator GOLDWATER. Mr. Reuther, they didn't stop this mass picketing, did they, when they found out it was wrong?

Mr. REUTHER. It took 2 or 3 days to get it stopped. There are no buttons in Detroit you can push and stop them.

Senator GOLDWATER. I thought you said you didn't have any control? What button could you push if you didn't have any control?

Mr. REUTHER. We sat down. After all, these people are intelligent. The local fellows said, "Here is the decision of the State agency. This is their finding and we have to comply." That is exactly what happened.

It took a few days before the thing was worked out, but it was worked out. After all, when any decision like this is made, you have to provide for a little bit of time to work out the normal problem when you are dealing with a lot of people. That is what was done here.

Senator GOLDWATER. You said that we were engaged with a real problem here. I agree with you. We have a real problem of a law. I don't know when that law was written, but I imagine the law was written with the idea in mind of preventing just what happened at Kohler, namely, mass picketing, to allow a man who wants to go to work to go to work and not be prevented by acts of force. So I think that we have a real problem on both sides.

I can understand your thesis that the activities of picket lines can be controlled more by human feelings than can be controlled probably by men. But nevertheless in Wisconsin, and in the United States law, too, there is provision against preventing a man from going to work.

When the WERB handed down its decision, the union informed its membership that the order was not enforceable and would not change the picketing in any way.

Did you hear about that?



Mr. REUTHER. I beg your pardon? Would you be good enough to repeat that?

Senator GOLDWATER. Yes. Would the reporter read back the question?

(The reporter read from his notes as requested.)

Mr. REUTHER. I heard about that later and when the people realized they were wrong, they changed it. I think, Senator Goldwater, this is essentially where we are. I say this very sincerely.

The union, I think, made bad judgments. I think what they did was incorrect. They tested it. At the point it was tested, at the end of fifty-some days, the union then took steps within 3 or 4 days to correct the thing that they were doing that was wrong and improper.

You are right, the law requires that workers have a right to get in and out of a plant if they choose not to be on strike and no one has a right to prevent them. I agree with that completely.

When we were wrong and we were told we were wrong by an appropriate Government agency, we got in line. Now it is true that that law bears upon us just as much as the Labor-Management Act of 1947 bears upon labor and management.

The company now has been found guilty of that, but month after month after month after month they go on defying it.

When we were wrong, we corrected it. When they have been found to be wrong by an appropriate agency, they go on defying the law.

Don't you think there is an essential difference between the two situations?

Senator GOLDWATER. Mr. Reuther, so that we can facilitate speed here and do away with the necessity of your referring to the company every question, let me remind you that I—in fact you were on the same program the following week, Face the Nation—I said there were skeletons in both closets.

I went on to explain at some lengths upon how I as employer once in my life might have handled this at one time. I can agree and as I said before, I think the company has been wrong in some points. We are not talking about that. We are not talking exclusively about the union or grievances.

I am just saying that so you don't have to inject the question of whether or not the company is doing something illegal or not because I am not going to get into that phase of it.

I am confining myself to your philosophy and your knowledge of the general field surrounding the international area.

Mr. REUTHER. Senator Goldwater, would you pardon me just a moment. I agree with that generally. But in your Face the Nation program you did say something that I think you ought to reconsider, because I think it does deal with a fundamental here.

I would like to quote this short paragraph on page 11 of the official transcript of your Face the Nation program. You said as follows:

Now there again, Mr. Mollenhoff, you get into a basic principle of American freedom. Maybe Mr. Kohler doesn't want a union at all, any union. I maintain it is his right not to have a union if he can win a strike.

This is a fundamental question. Only the employees under the law of these United States can make a decision whether they want a union and which union. An employer cannot make that decision without violating the law.

I would like to know whether you think under the Taft-Hartley law a company can decide not to have a union and destroy that union? I maintain they can't.

Senator GOLDWATER. I will tell you what, someday you and I are going to get together and lock horns.

Mr. REUTHER. We are together now and I would like to ask you right now——

Senator GOLDWATER. You save that.

Mr. REUTHER. I am asking a fundamental question.

Senator GOLDWATER. Wait a minute, Mr. Reuther. You are not asking the questions, I am asking the questions. If you want to save that someday——

Mr. REUTHER. I am seeking advice.

Senator GOLDWATER. You come out to Arizona and enjoy the bright sunshine and clean air and save it for then.

Mr. REUTHER. If I ever decide to run for the Senate in Arizona and you are a candidate, we will debate it out there. But I am not running for the Senate in Arizona.

Senator GOLDWATER. I would enjoy that very much. Let us get on.

Mr. REUTHER. What about this?

Senator GOLDWATER. I want to ask you some questions on the subject that we are on. We will get back to the fact that the union informed the membership that the order of the WERB was not enforceable and did not change the picketing in any way.

Do you think that constitutes a proper regard for law and order?

Mr. REUTHER. There again, I think the lawyers felt that there was a procedural matter and they backed away from it.

Senator GOLDWATER. I don't think you want to answer it in that way.

Mr. REUTHER. That is my understanding of it.

Senator GOLDWATER. Because the board was properly constituted.

Mr. REUTHER. I would have Mr. Rauh answer that.

Senator GOLDWATER. Mr. Rauh has been wrong quite a few times in this hearing. I am asking you. A properly constituted board had handed down a decision that the union was operating against the law. Then the union informed its membership that the order was not enforceable and did not change the picketing in any way.

My question to you, as the president of the union, is, does this constitute a proper regard for law and order?

Mr. REUTHER. I think if it was a procedural thing this might have been their first reaction. If they had stayed with it, I think they would have been wrong. But they did not stay with it. They changed their position.

Senator GOLDWATER. It took 3 days?

Mr. REUTHER. For lawyers that is pretty fast time in my book. I have asked for legal opinions sometimes that takes them a month and then they give me a document so long I haven't got time to read it.

I think 3 or 4 days on a hypothetical procedural matter is not an unreasonable time.

Senator GOLDWATER. Would you consider 3 days an unreasonable time if the court told somebody to stop bothering you?

Mr. REUTHER. I have been bothered a lot of times and didn't get relief for a long while beyond 3 days.

Senator GOLDWATER. You didn't answer the question.

Mr. REUTHER. It depends on what it is. The Kohler Co. had 3 years and they have not complied with the law. It will be 4 years in a couple of days.

Senator GOLDWATER. Then you feel that the union was in their bounds in telling their membership that the order was not enforceable?

Mr. REUTHER. I think that they evaluated the thing improperly and when they reconsidered they backed away from that. If they had stayed with that position, then I think there would be some validity in your position. But we backed away from it. We didn't stay with it.

Senator GOLDWATER. Mr. Reuther, on page 564, continuing with the transcript, Mr. Kitzman said, and I quote him :

But I want to point out, Senator, that there is a big difference between mass picketing and peaceful picketing. There weren't any guns in that picket line. There weren't any clubs or gas there. All these poor little fellows had was their hands and elbows to do a little shoving with, which they did.

I want to ask you, Mr. Reuther, do you regard a mob of between 1,000 and 2,000 full-grown male adults having nothing but fists and elbows, massed in a solid line, doing a little showing, in Mr. Kitzman's work, as a form of peaceful picketing?

Mr. REUTHER. I am not prepared to admit that this was a mob. This was a picket line made up of respectable members of that community. They were free American workers who had a legitimate grievance with a company which was in violation of the law and they were exercising their legal rights to be on the picket line to demonstrate the support of their strike.

It was not a riot. I don't think you could call it a riot. There was no property damage. There were no serious incidents there. It is true they kept people from going into the plant. It was not a riot. It was not a mob.

In 1934 they had a riot when they killed 2 people and shot 47. That was a riot. But there were no riots in this picket line and there are no facts to show that there was a riot.

Senator GOLDWATER. Mr. Reuther, I didn't use the word "riot." I used the word "mob." I asked you a question, which I will get back to. Do you consider this a form of peaceful picketing?

Mr. REUTHER. I think that when you think of the provocation and the record of antiunionism, the fact that this company had broken the strike in 1897, broken the strike in 1934, was in violation of the law in refusing to bargain in good faith.

I think, Senator Goldwater, that the Kohler workers are entitled really to some appreciation for the great restraint they showed. There was no property damage. There were no serious incidents in that picket line even though there were thousands of people in it and it extended over a 50-day period.

We don't claim that we have to trim our wings every day. People are people. I just say you can't find a strike in the history of America where you have this long record of antiunionism, brutality, and oppression on the part of the company that is unwilling to live up to the law, where you had that many people involved in a strike for such a long period where they have had less incidents than of this kind. You can find me none.

Senator GOLDWATER. Would the reporter read the question.  
(The reporter read back from his notes as requested.)

Mr. REUTHER. Anything that was not peaceful I would not think would be peaceful picketing. I think most of the people on that picket line were just making the rounds, exercising their rights. I think at the point the people were physically stopped from going in, I think the people were wrong in doing that.

I don't make any excuse for that. I think they were wrong.

Senator GOLDWATER. Let me read you the whole question once more. I will strike the word "mob."

Mr. Reuther, do you regard a group of 2,000 full-grown male adults, having nothing but fists and elbows, massed in a solid line, doing a little shoving, in Mr. Kitzman's words, as a form of peaceful picketing?

Mr. REUTHER. I think if physical effort were made to prevent people from getting in the plant, that is wrong.

Senator GOLDWATER. That doesn't answer my question.

Mr. REUTHER. Why don't it?

Senator GOLDWATER. You know why it don't. I have asked you a simple question.

Mr. REUTHER. I am asking you.

Senator GOLDWATER. You can just say "yes" or "no." Is it peaceful picketing or isn't it?

Mr. REUTHER. I think that whenever you do anything that physically prevents a person from getting into a plant, that is wrong. If you want to call that not peaceful picketing, I would not quarrel with that.

Senator GOLDWATER. This is a very important part of these hearings. I think this particular question, to try to develop in a legislative way, if we can, a definition of peaceful picketing, is extremely important.

Mr. REUTHER. Senator Goldwater—

Senator GOLDWATER. Please, Mr. Reuther—

Mr. REUTHER. Take it easy now.

Senator GOLDWATER. I am asking you once again, Do you consider this a form of peaceful picketing?

(At this point, the following members were present: Senators McClellan, Ives, Ervin, Curtis, and Goldwater.)

Mr. REUTHER. I said before that if people physically prevented a worker who wanted to go to work from getting into that plant, that that was wrong, and if you choose to call it not peaceful picketing, I am not going to split hairs with you.

Senator GOLDWATER. I think you have said that it is not peaceful picketing, because you have agreed that the conditions existed, and, therefore, we say that this is not a form of peaceful picketing.

Mr. REUTHER. Let me say this, that you will never pass a law to take the emotions and the feelings and the sense of rightness and justice out of free human beings in the face of this kind of arrogant corporation. All the laws in the world will not stop people from trying to defend themselves. I say that the Kohler workers, I don't make any excuse for the violence that was enacted away from the picket line, I think that was wrong, the union has not been found to be responsible for that—but on the picket line, I think the Kohler workers conducted themselves really quite wonderfully, considering the provocation and the number of people and the bitterness in this situation, with the 1934 killings and shootings as a background.

People are human beings, you know, and you are always going to find them acting like human beings. When you have a milk strike, did you ever see the farmers turn over the trucks and that?

I don't think that is right, but they do it. This is when human emotion surges forward, and all the laws in the world will not take human emotion out of human beings.

Senator GOLDWATER. Now, Mr. Reuther, continuing with the transcript, on page 569, the following exchange occurred:

The CHAIRMAN. Well, of course, we may just as well be factual about it. We all know the purpose of holding it at those gates and running crowds from one gate to another was not to demonstrate the majority of the Kohler workers wanted to strike, but it was to keep those workers who wanted in the plant to work out. That is the truth about it, isn't it?

Mr. KITZMAN. Yes, absolutely; yes.

Then we turn to page 571 and page 572 and Mr. Kitzman said:

The picket line was established with the purpose, as I pointed out, of advertising the strike and certainly to see that no one went in and took the jobs of the strikers away from them.

And again on page 573:

The CHAIRMAN. In other words, during the mass picketing period, you knew the people you were keeping out of the plant, keeping away from their work, were people that were in the employ of the company when the strike came?

Mr. KITZMAN. Yes, but again, these people remembered what happened to them in 1934 when they did exactly that same thing.

Now, Mr. Reuther, do these statements by Mr. Kitzman sound like a description of peaceful picketing to you?

Mr. REUTHER. I think, Senator Goldwater, that the number of people in the picket line does not determine whether it is peaceful or not peaceful. I think it is the conduct of the people in the picket line. You could have a small picket line that would not be peaceful and a large picket line that could be very peaceful. So numbers is not the deciding factor.

It is how they conduct themselves. I think there is no question about it that the pickets were there in large numbers for a number of reasons, first because they were afraid, because of the 1934 strike and the shootings, and, secondly, because the company challenged the union saying "You don't represent the majority," and this was their way of demonstrating broad support for the strike. I think there is no question about it that they felt that this was the way to keep people out, and this is where they were wrong.

We don't run away from that.

Senator GOLDWATER. I think you have made a good constructive answer there when you said that numbers do not say when it is peaceful or not.

I have seen picket lines of a few that are violent and I have seen picket lines like this that are a mass and at the same time are not violent in their nature.

Mr. Reuther, is there any question in your mind as to who ran the strike for the UAW at Kohler?

Mr. REUTHER. Well, I think that the strike was run by the local strike committee. I mean, this was their strike and they worked out the details. They obviously were given help by the international union through the people who were assigned there. But it was a local

strike. The local membership made the decision to strike. They drafted the demands. We didn't do that. They voted to go on strike.

It was their strike. They had a strike committee that met periodically and made the decisions and so forth. It was not directed from Detroit. Mr. Graskamp could testify to that, that under our union the local strike committee is the group that directs the strike.

Now, we work with the local strike committee and we have a responsibility to work with them. But it is the local strike committee. This is why we think we have a good union, because we have a democratic union. Everything isn't done in Detroit. Most of the union work is done out in the field where the workers are.

Senator GOLDWATER. Mr. Reuther, let me read you from Mr. Rand's testimony on page 3906 of the transcript, where he says:

MR. RAND. As I pointed out to you, I don't know whether you gave me the chance to say that I was in charge of the strike, I went there in 1956, I think it was, and at the time we had 1,550 people still on the assistance rolls, and I had many problems. Among them was the boycott. I wouldn't want to leave the impression here with you, Senator, that being in charge of a strike for the UAW in this kind of a situation was an easy job. There are many problems dealing with the individual strikers, of which we could take days and days to relate here; as a result of this strike, you have many hardships.

Among the problems that I had was the conduct of the boycott and the various phases. It was a very small part of the overall direction that I gave to local 833. My main function there was that I was in direct charge of the strike and the related problems to the strike, and there were many.

Again, on page 3911, Mr. Rand comments on the leadership in this controversy, and I quote him:

MR. RAND. I believe that I testified previously, Senator, that when Burkhart was there, he was superior in the sense that he had a similar position to what I have at the present time, in that strike, and he personally was in charge, generally accepted as being the superior person in that particular locality.

Now, Mr. Reuther, don't you really believe that the international ran this strike, or was Mr. Rand telling an untruth?

MR. REUTHER. Well, it is difficult for me to follow a long quote out of a transcript that I am not familiar with, but I think what Mr. Rand was trying to say was that he was in charge of those phases of the strike where the international had the direct responsibility. He talked about related problems, but this doesn't change the fact that our constitution requires the local union to have a strike committee, and the local union strike committee directed this strike, and anything that we did had to be done through the local union strike committee which was made up of the leadership of the local and other people that the local chose to put on the strike committee. So what Mr. Rand had said is in keeping with our democratic structure that the local union ran those phases of the strike over which they had responsibility, and the international union handled those matters in the areas where it had a direct responsibility.

It is just like a difference between the State government and local government. You could have two people working in a situation where a Federal official has certain responsibilities in an area, and local officials have other responsibilities. One doesn't have to usurp all of the other one's functions. They can be parallel functions.

Senator GOLDWATER. Mr. Chairman, that is all the questions I have for a while. I will have some more later.

The CHAIRMAN. Thank you, sir. Who is next?

Senator Mundt.

Senator MUNDT. Most of your statement, Mr. Reuther, that you made in the preliminary part of the session was devoted to the general union policies in which you believe and to which you subscribe, and you detailed your position primarily on five different points:

Communism, corruption, racketeering, collective bargaining procedures and democratic unionism. And as one member of the committee, I was glad that you did devote a major portion of your initial presentation to those overall policies, because it seems to me that primarily the objective of this hearing is to try to determine pretty much in those five areas which you delineated what is taking place in union activities, and where there are improper practices in those areas, to correct them.

Where there are not improper practices, to demonstrate that fact, and to determine where and whether new legislation is required to rid the union movement of improper practices primarily in those five fields.

I think that you are quite proper in making your presentation along that line, because as one member of the committee I have never cherished the hope that we were going to settle the Kohler strike out in Sheboygan. It has been going on for over 4 years. A lot of smart people on all sides have discussed and analyzed it. I am afraid that when these hearings are over, you are going to be just as far apart and maybe some of the wounds will have been reopened a bit as a consequence of them.

That would neither determine whether we went into the situation or kept out of it because it was the most important illustration, certainly, of the kind of labor warfare that we don't want to have take place, labor-management warfare that we don't want to have take place in this country.

I want to direct my questions primarily to you in the general field of the five areas which you were discussing. I do that in the hope that we can help produce some information, some evidence, which will be helpful to the direction of the major function of this committee and that is to recommend legislative corrective steps or corrective steps by management or by unions which they can take unilaterally to improve labor-management relationships.

I made a few notes as you went through your general statement, and I want to ask just a few scattered questions, with no relation to each other, but on matters primarily of information.

Then I want to ask you questions at some length in some of the areas you discussed in connection with those five. I don't anticipate this afternoon I can do very much more than perhaps touch into one or two of those major areas and go through these preliminary questions.

You stated, first of all, that you understood that the committee was not interested in your personal financial records and statements. I am sure that the committee has never taken any action indicating that it wanted to have a look at your personal records and so forth.

But it has been quite customary in connection with the other union leaders who have preceded you, to examine them. So I was wondering on what basis you had reached the understanding that we were not interested in your personal books and records.

Mr. REUTHER. I made inquiries, Senator Mundt. And I was told that as of that time the committee had made no decision about check-

ing into my personal finances, and since I wanted the committee to make a check of my personal finances, I felt that the surest way to be certain that that happened was to write an official communication to the committee making such a request, because I wanted my personal finances examined. I have nothing to hide, and I want all the facts laid out on the table.

Senator MUNDT. I think you did quite properly in making that request, but it was true that the committee had taken no action either way in that particular connection.

Mr. REUTHER. I moved on the basis of being told that the committee hadn't made a decision, and I wanted to be sure that the committee would do it.

Senator MUNDT. The information that you received, then, was entirely correct. I gathered originally that you indicated that the committee stated it was not interested in it.

We had not gone into the matter at all, as far as I was concerned. You have clarified the record.

In connection with the public review board, I think this is a very commendable step which you have taken. I did not know much about that until this afternoon, although I have read in the press a little bit about it.

Just in the interest of placing credit where credit is due, Mr. Reuther, I think you should point out that this Board was adopted by your convention after our hearings had been started.

I don't expect you to throw your hat in the air and cheer our committee, but we get a lot of criticism, and I thought maybe we just ought to have credit where credit is due. This was adopted on April 8, 1957, according to the book that you gave us.

Mr. REUTHER. But it was worked out many months before that.

Senator MUNDT. Our committee was created in January 1957, the end of January.

Mr. REUTHER. Senator Mundt, I think just for the sake of accuracy, what you say is true. Our convention did not meet, but this idea had been worked out, many, many months before your committee came into being.

The convention was not held until after your committee came in to being, and obviously we couldn't act officially by convention action until the convention was held.

But we have been working on this for a long time. A couple of years I have been working on this idea. As I indicated before, on January 18, 1957, before your committee came into being, we passed a resolution calling upon the creation of such a committee, because we want to drive every crook and every Communist out of the leadership of the American labor movement, and we are going to work until that job is achieved.

Senator MUNDT. That is exactly what we are trying to do. We want to work with you, and we hope that we can agree on some programs and policies which will help produce that result.

Mr. REUTHER. You stay on that track and you will be getting the support of a lot of good people.

Senator MUNDT. I will stay as long as we can endure in connection with these hearings, I assure you. I mention that because on your first page you say that the idea of a public review board for the UAW is not a child of Dave Beck or the McClellan committee.



Mr. REUTHER. That is true.

Senator MUNDT. I just wanted the date as to when it was created and the date when the committee was created to be in the record. I have no way of telling or putting a dateline on when you get an idea. It may have been 2 years or 4 years; I don't doubt it at all. But a lot of preliminary thinking and work had to go into the thought.

Mr. REUTHER. We have worked on it for 2 years. The important thing is we have it.

Senator MUNDT. The important thing is that you have it, but what does it do and how does it operate?

Mr. REUTHER. I wish you would study it. I think it is a basic and fine approach to the problem of how do you protect the rights of the individual member in a big trade union.

Senator MUNDT. I think we can analyze that a little in discussion here. What criticism have they made up to now of the UAW?

Mr. REUTHER. None whatever. Up until now, I don't know precisely how many cases they have handled, but up until now, to the best of my knowledge, and I haven't checked it in the last 48 hours, they have sustained the union's position on every case. I think where we are right, that is what they ought to do, and when we are wrong, I think they shouldn't sustain us. That is why we have the board.

Senator MUNDT. I quite agree. The record up to now then, shows that they have found nothing wrong with the UAW, up to this point?

Mr. REUTHER. At the end of the year, and their first year will be in August some time, they will make an annual report, and this will be submitted to our total membership on what they have found out, what cases they have handled and so forth, and when our convention comes up, they will make a report to the convention, and at that time the delegates will decide about the composition for the public review board, the membership for the period between the next convention and the convention that will follow.

Senator MUNDT. You anticipated my next question. My next question was a matter of procedure, whether the board makes an annual or a semiannual report. You tell me that it is annual.

Mr. REUTHER. It is annual. It is all spelled out in there.

Senator MUNDT. And whether it is a public printed report at that time?

I assume if it goes to your membership, it must be public.

Mr. REUTHER. It has to both go to the membership and be given to the public press. We are prepared to have our stewardship subject to the public review in the public market place.

We do not claim perfection, but we are working, trying to make our union a better union.

Senator MUNDT. I don't care who got the idea. I agree with you. I don't care when it was implemented. I think it is a good idea and a forward, constructive move in labor relationships.

Mr. REUTHER. Thank you.

Senator MUNDT. Presuming a board measures up to its responsibility and finds the time to do its work, and has the proper composition, if it should, of course, in the course of normal events, find something wrong with the union, and if they do, that you will make the correction.

Mr. REUTHER. When they do, Senator Mundt, we will move to correct them.

That is why we have it. We do not claim perfection.

Senator MUNDT. I was interested in this where you made the best—I don't want to say defense, but explanation, so far, and we have been asking the question several times, as to how it happened that the strike vote at the Kohler plant was made by less than half of the people belonging to the plant. You made a rather persuasive appeal that it is hard to get people to vote even in a political campaign, and I know that is true, it is hard to get them to stick around to the end of a meeting.

I have a feeling of my own which I have incorporated in a bill which I think would help eliminate this problem that you complain of, which I complain of. You say it is part of human frailty, and perhaps that is true.

But I think we should both agree that the optimum desirable result would be to have all of the people involved present and voting as to whether to strike or not, if that could be brought about, by a stroke of our hand.

Mr. REUTHER. I think, Senator Mundt, that in any democratic organization, whether it is a trade union or a public election, that we ought to encourage the broadest participation in the discussion and the broadest participation in voting.

I think it is a great tragedy. There are people in the world willing to give their lives for the right to vote as free men. Yet there are millions of our people who have the privilege and who don't exercise it. This is a great tragedy, but this is one of the human frailties.

Senator MUNDT. That is right. I think you will agree that the position of the union in this strike would have been stronger had you been able to tell Kohler and the world that instead of a majority of about a third of the members of the plant, who actually voted, that a majority of 80 percent of the members of the plant had voted for the strike.

You would have been in a stronger position.

Mr. REUTHER. I think that public relationswise we would have. I don't think it would have made any effect on the company's attitude, because, Senator Mundt, if you back up—you see, we lost the first labor board election.

The Kohler workers association won that. We have always thought it was a company-dominated union. And at the point that it began to act like a legitimate union it got in trouble with the company.

At that time there was this move on the part of the people in the Kohler Workers Association to affiliate with our union.

The company evidently thought that they could block that if they had a quick vote and if they held it in the plant, because they obviously were in a more favored position.

When that vote was held—I don't know the exact percentage, but it was almost everybody voted, and the union won that by better than 80 percent. So that was the most representative vote ever taken in terms of the number of people participating. Yet we won that.

I have given a great deal of thought to this whole problem of how can you get more people to be interested, because democracy in the long pull really is no stronger than the people make it.

Democracy is something that cannot be built from the top down. Democracy has to be built from the bottom up. You take what happened it the Teamsters Union. It could never happen in our union,

because we have much broader participation. If you really want to rig a union against the rank and file, then you discourage them to participate. But if you are really trying to work with the membership, then you encourage participation. This is one of the big problems of communication. It gets harder and harder and harder to reach people. I am talking about people generally, because of the TV and all of these other things.

This is an area to which the American labor movement has to give a great deal of thought and consideration: How can we involve more and more of our rank and file members into active participation in the union, discussing the issues, and participating in the democratic decisions, against the competition of all these other things that compete for their time and their attention.

This is a very serious matter.

Senator MUNDT. That is right. I am going to discuss that with you in just a second, but I am going to follow your detour with you a little bit.

You talked about the Teamsters Union. It did a great many things which I considered reprehensible, or let me say better, officials in the Teamsters Union did.

Mr. REUTHER. That is a better way to put it.

Senator MUNDT. I agree.

One of the things I thought were reprehensible was the establishment of a great many trusteeships which, as I see it, tend to negate the democratic procedures which you say are practiced in the UAW.

Did you have any in the UAW, any such a thing as a trusteeship or the equivalent of it?

Mr. REUTHER. Yes. Our constitution provides that if, in a given situation the local union is in jeopardy, or there is an emergency situation which might, if not corrected, put into jeopardy the very life of the union or the welfare of the membership, we can after due process hold a hearing involving the local union leadership and then if we find that the local union is in jeopardy we can establish what we call an administratorship.

If we remove the officers, then in 90 days we are required to hold a new election and turn it back. Here is an area that if we abuse our power—and I can assure you we have very few administrators, an insignificant number because we do not abuse it—a public review board can set it aside.

What do we find? We had a situation where a group of numbers racket guys tried to take over a local. They were muscling their way in. We can't just sit back and say even the gangsters will take over if they cannot manipulate.

If the membership is not interested and they move in and coerce people, in a situation like that we may have to put an administrator in there and carry on an educational campaign to arouse the rank and file and get them to participate so that democratically they can see that these gangsters did not capture the union.

We have a problem like this where a local union is in a plant that was a war plant. It might have had 30,000 workers in that war plant. This plant shut down. They wound up with maybe 50 maintenance people who are making a final effort to close the plant up. The other fellows scattered.

That war plant may have accumulated a half million dollars during the war because they had high membership, high employment and they saved their money. We had one case where the fellows decided that they would like to divide that half a million dollars among a handful of people who were left. We felt that was not right. That money did not belong to the small handful. It belonged to the whole group.

We tried to work out in the Kaiser-Frazer situation to earmark funds to provide some medical care for former workers in that plant.

These are the kind of things we do. We do not abuse it. It is only possible after due process. Even if we did abuse it, which we don't, public review board can say this is wrong. You have to stop it.

Senator MUNDT. In your constitution, you say if you take one over you have to have an election of officers within 90 days?

Mr. REUTHER. If you remove the officers, in 60 days you have to have a new election because the whole idea is that you are trying to protect the union and not try to interfere with the democracy of the election of officers.

Senator MUNDT. Correct me if I am wrong. What I understand you have said is, you have these administratorships.

Mr. REUTHER. We call them administratorships.

Senator MUNDT. You have that to protect the union. I can see that you need that. Would it operate in this way: If you found a union which was in jeopardy or which seemed to be doing injury to the members, either actual or potential, because you knew from your own sources of information that the leadership was corrupt in the number racket or some other way, or perhaps that the leadership might be under the control of the Communist power——

Mr. REUTHER. That is right.

Senator MUNDT. You would have the power to go in, put it under an administratorship and remove the officers and if you do that within 90 days you have to have an election.

Mr. REUTHER. Within 60 days.

Senator MUNDT. Back off the detour and back to the strike vote: At the vote which was held at the Kohler plant were there any international representatives present participating in the discussion leading to the vote?

Mr. REUTHER. I would assume that if they were taking a strike vote that there would have been an international representative there. There might have been several. They would not have voted. The only people who could vote would be the Kohler workers.

Senator MUNDT. They would not vote, but they would have the right I suppose, to urge the members to strike or not strike or make suggestions. As a matter of fact, I think Mr. Burkhart testified that at one time he urged them not to have a strike vote and at a later time he urged them to have a strike vote.

Mr. REUTHER. In August 1953, I think, the local membership did take a strike vote and with great difficulty the international representatives and the international officers persuaded the membership not to strike. You have many situations where the membership wants to strike and we try to persuade them not to strike.

Sometimes it is better to have patience and try to nurse some of these things. We have been around a long time. You go on strike only after you have exhausted every possible means of resolving them, short of a strike.

Senator MUNDT. The reason I mentioned that, I thought it should be related in the record in connection with what Senator Goldwater was asking you. You said several times, "I did not vote for the strike. It was not my strike. I didn't have anything to do with it."

I do think we ought to have in the record the fact that indirectly, through your international representatives, you did have people at the meeting in one case urging them not to strike, in another case urging them to strike, but consequently, making the verdict, whatever it was, part of the international policy to the extent that your representatives could influence a decision of the voters.

Mr. REUTHER. I think, Senator, to begin with that in the average situation, the influence of the international union and the international representative would be more cautious than the natural instincts of the workers.

I think if you could make a case study of how the balance of our influence would have been, you would find that in most cases we were the cautious ones because we know something about these things. A worker can be influenced emotionally a great deal easier than we can, because we have been through this.

I can say to you that I have never in my life, and I hope I never shall, recommended that workers reject a proposal when I think that proposal is fair and they ought to accept it.

The only time I have ever recommended that workers reject a proposal is when I think it does not give them that measure of justice to which they are entitled, and I think if a person would not do it that way it would be wrong.

The influence we exert is primarily a cautious one. We do not go in there strike-happy and try to get people on the brinks. The whole experience will show the contrary is true.

Senator MUNDT. Your record, insofar as we know about the participation of your international representatives in the Kohler case, was 50-50. One time you said, "Don't strike," and one time you say, "Strike."

I am not saying there is anything wrong.

Mr. REUTHER. You cannot base it on the law of averages. The point is what were the issues. In this case when the strike finally occurred, Senator Mundt, we worked for 5 weeks without a contract. I would not say that would mean we were jumping the thing.

After all, the company canceled the contract. We tried to get the company to extend the contract for the purpose of facilitating further negotiations. The company refused. Despite the company's refusal to extend the contract for 1 hour, we persuaded the workers to work 5 weeks without a contract, hoping that we could resolve it without a strike.

If we had struck the same minute the contract terminated, you could say, "The fellows wouldn't wait until they jumped the gun." We worked 5 weeks beyond the contract termination without a contract, hoping we could resolve this.

I have been in these situations many times, and sometimes it is very difficult when you get a bunch of workers in a mass meeting and they have been pushed around by the boss and they think they have been shortchanged, they are ready to go out and start right away. It is not easy to get them to take it easy and be patient.

Yet, we try to do this because we know that it is much better to resolve at the bargaining table without a strike if you can do it.

Senator MUNDT. You are dilating on a point which I do not think is in dispute as far as you and I are concerned. I am not contending that the conditions did not contribute to the strike vote and that the voters had reasons which they considered good and valid to strike.

What I am pointing out is that there can be, also, a fixation of responsibility, as I think there should be, on the international union, when the international representative goes to a situation of that kind, and advocates in the one case, "Don't strike," that is part of your responsibility, and advocates the second time, "Do strike."

When you send a very persuasive and eloquent young fellow like Bob Burnhart down there—he is not quite in your class but he is good—you had better watch him because he may run against you sometime.

When you send a man with that capacity down there he is bound to have some influence on the determination of the strike vote. To some extent, there is responsibility in your office for that decision.

Mr. REUTHIER. I agree with you fully and completely, Senator Mundt. In a situation like that, an officer of an international union or international representative really has to weigh what he recommends with great care. It is true. You can say, "Well, he can be careless about it because his paycheck is going to continue and the other fellow is going on strike and he will give up his check."

In our union, in every major strike we have, the leadership of our union have given up their paychecks too. When you look at my financial record you will find when we were on strike at GM in 1945 and 1946, I did not get my pay.

I made this mistake. I took it and kicked it back, and I wound up paying income tax. When the Chrysler strike came along, I did not take it so I did not at least have to pay income tax.

We sit down and try to evaluate these things. If I had been in the Kohler situation the day the strike meeting was held, I tell you very frankly I would have recommended strike action in the face of what this company was doing.

Senator MUNDT. That is not a point of controversy between you and me because I certainly am not going to try to adjudicate that. I am positive there was fault at both sides.

Mr. REUTHIER. I wish you could. We could stand some help.

Senator MUNDT. I hope you do not nominate me for that job. You have not had any takers yet. I am not available.

Mr. REUTHIER. I think you and Senator Ives, the judge from North Carolina could do a pretty good job if you came up and worked at it.

Senator MUNDT. To get back to the strike, I have introduced a piece of legislation. I do not pose as an expert in the labor field. I have gotten force-fed on this subject in the last 3 months. Until then, I led a happy and serene life as a representative of a great agricultural State like South Dakota and never enjoyed the kind of attacks made on me by labor leaders in the public press that I have been enjoying lately.

Mr. REUTHIER. You have to admit you have to work to get it.

Senator MUNDT. There is no doubt about it. I was thrust rather reluctantly. I rather enjoy it. I think we should learn more about

it. On the basis of these hearings and testimony like yours, I have suggested legislation. I would like to have your opinion on it.

To get away from this human frailty, to get away from this type of situation where you have a majority vote for a strike but only a third of the workmen actually vote, I propose that a strike vote be conducted by mail, with every member employed in the plant having the right to vote on the issue and that the ballots be counted by impartial tabulators.

Does that make any sense to you at all, or not? I would like to have your opinion.

Mr. REUTHER. I have not really thought the thing through, but let me say this: During the war we had the Smith-Connelly Act as I recall, which essentially provided for a vote in the plant conducted by the Government, counted by the Government, the same as the Labor Board conducted them.

The experience there was that overwhelmingly the union membership voted to strike. That finally got washed out.

Senator MUNDT. I am not advocating this as a device for stopping strikes. I am advocating this as a device for registering majority opinion which you told me you would like to do.

Mr. REUTHER. There is only one way to stop strikes in a free society. In a totalitarian society you get industrial peace without justice. In a free society the only way to stop strikes is to make it possible for workers to get justice without striking.

As long as they are denied justice, they will fight to get it and they will strike to get it. I say this, when the Taft-Hartley law provided for this kind of broad voting—whether they vote in the factory where 99 percent vote when you send the letters out—the important thing is to get maximum participation.

Senator MUNDT. In a secret vote impartially counted.

Mr. REUTHER. Both secret and counted by the Government representatives. In each of those cases you will find that the union rolled up tremendous majorities. As a matter of fact, when this was taken out of the Taft-Hartley Act, I think many labor leaders had mixed feelings about it. I know I did because frankly, I found it very useful.

Then the company could not say, "You don't represent the workers." If we had a strike vote in a big company with 25,000 members, 24,900 voted and we got 90 percent vote, at least the company could not say, "You don't represent the workers." At least we had that one nailed down, so I just talk for Walter Reuther.

I am for any device that will find a way to maximize the democratic participation on all of these basic decisions. I would question the wisdom of a mail vote. I think the post office might get bigger and Mr. Summerfield would get more ulcers and I do not think that is a good idea.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, Kennedy, Mundt, Goldwater, and Curtis.)

Senator MUNDT. Well, I think I would like to have you give a little more considered criticism of the plant, other than the fact that it might put the Post Office Department into a deficit. I am trying to do what you are trying to do. You are trying to maximize self-determination in secret, on the basis that the votes are counted impartially. That is what you say you are trying to do. That is what I am trying to do.

Mr. REUTHER. That is right.

Senator MUNDT. It seems to me that if you mail a ballot to every fellow who has a job, and he sends it back in secret, you have received that maximum degree of self-determination. I am curious and trying to find out. I cannot say you are the labor leaders I know best, but you are the most important labor leader I have ever seen, and I didn't have a chance to see you until you were on the "Face the Nation" program Sunday.

Mr. REUTHER. How do you think I did on that program?

Senator MUNDT. I think you did pretty well in questioning by Senators, let me point out. I would like to have your considered reaction to that statement.

Mr. REUTHER. I personally think, and again, I am not committing the American labor movement—I am talking as Walter Reuther—I personally think in the whole area of trying to maximize participation in all basic decisions, that anything that can help do that thing ought to be given very careful consideration.

I think that sincerely.

Senator MUNDT. I appreciate that. You do not condemn it out of hand, then, and say it is something that is moving in the wrong direction.

Mr. REUTHER. Absolutely not.

Senator MUNDT. The next question is simply on information. You said several times today in your statement that the Kohler Co. had been found to be in violation of the law. I may be wrong, but if I am wrong, you correct me, but as I understood it, up until your testimony, the company had never been found to be in violation of the law, but a trial examiner had made a report to the NLRB that they were in violation of the law, and that the NLRB had not yet adjudicated it.

If I am wrong, correct me, and tell me when the NLRB did act. I will accept that fact for the record.

Mr. REUTHER. The trial examiner, representing the United States Government, the specific agency the National Labor Relation Board, after this very exhaustive set of hearings, 20,000 pages of sworn testimony, did find the company in violation of the law, and did say this, they were not bargaining in good faith, that they were bargaining not to reach an agreement but to avoid an agreement.

It is true that if a lower court found some one guilty, you couldn't say they are not guilty because the Supreme Court hasn't ruled on it yet.

The point is that at the level at which the hearing was held, the trial examiner who was to make the finding for the Board, did find the company guilty.

Supposing when the mass-picketing decision were made, that we said, "Well, we will go the whole way and we are not going to quit now."

The point is that this step of the Labor Board procedure, where the trial examiner gets into all the minute details, did find the company guilty.

Senator MUNDT. I think, Mr. Reuther, that your testimony this afternoon indicates that on the picket line you did go the full way, that you did carry it up to courts, and then you said when the courts finally ruled, you complied with the law; that is the law when the courts have ruled. My point is, and I may be speaking from an abundance of ignorance, but my point is that a trial examiner, one man,



makes a recommendation to an NRLB board, and that the Board then makes a decision.

After that, at that point, I would say, you can correctly state that the company is in violation of the law if the NLRB so holds. Then they could go to court if they want to. But at that point, a decision has been made. I just wondered if you didn't misspeak yourself earlier when you kept saying the company is in violation of the law.

Mr. REUTHER. We said that the trial examiner found them to be in violation of the law. We never said that the Board did.

Senator MUNDT. That isn't what you said, but that is perhaps what you meant to say.

Mr. REUTHER. I quoted the trial examiner's reports.

Senator MUNDT. But repeatedly in your statements today, you said the company is in violation of the law.

Mr. REUTHER. As found by the trial examiner.

Senator MUNDT (reading):

Labor, when we were in violation of the law, and found out we were, we complied with the law. The company, when they found out they were in violation of the law, they did not comply.

I think there is a difference. I think you should admit it. In one case there was an adjudication and in the other case there was a recommendation by the trial examiner.

Mr. REUTHER. Senator Mundt, that is not true. In our case, we appealed the decision of the Wisconsin Employment Relations Board, but while we appealed it, we complied.

The Kohler Co. is in defiance of the trial examiner's findings while they are appealing it. The difference is we complied and appealed. They are not complying.

Senator MUNDT. That doesn't get to the difference, as I understand it, and you straighten me out if I am wrong. But in the strike situation, you had finally gone to court, in a Wisconsin court. In a situation involving the trial examiner's report, if I am correct, no determination of any kind has been made by the Board. They may well find that the trial examiner was correct, or they may change that determination. So I think there is a difference, and we should have it incorporated in the record, unless I am wrong.

Mr. REUTHER. Well, you know, I was born on a farm, and I understand you were, and I think this, therefore, gives us a right not to know about complicated things.

Senator MUNDT. That is right; just a couple of farmers.

Mr. REUTHER. That is right. And we have to make allowances for ourselves.

Senator MUNDT. Right.

Mr. REUTHER. I think this is the essential difference, Senator Mundt, that a trial examiner's findings are final unless appealed. So they do have more status than perhaps you think they do. They are final and binding unless appealed. Now, the company appealed them, as they had a right to, but they are in defiance of his findings while they are appealing.

In the case of the Wisconsin Employment Relations Board, they made a finding, and we had a right to appeal to the courts. We did. But we complied while we were appealing. I think there is a difference there.

Senator MUNDT. Perhaps there is. Just to clarify it, let me say, then that if that is correct, that the company is operating in defiance of the law, because the examiner has made that finding, is that an enforceable violation? Why not bring the company into court and prosecute them for breaking the law?

Mr. REUTHER. Ultimately, when the Board disposes of it, that would be the next step.

Senator MUNDT. I am saying, if this is the law, why not do it now?

Mr. REUTHER. You cannot jump from the trail examiner's report to the courts. You can only go to the courts from the ruling of the Board. But as far as the principle is concerned, as a procedural matter, the facts are that they appealed, but they are in defiance while they appeal.

We appealed, but we were in compliance while we appealed. You can't change that basic fact.

Senator MUNDT. Mr. Chairman, that concludes the general questioning that I have. I have some questions I want to ask Mr. Reuther on the following subjects, each of which will take, I suppose, a half hour. One involves the infiltration of communism in the union movement. One involves the subject of violence, whether there is a pattern of violence in UAW activities or not.

I want to ask him some questions in that connection. I have some questions involving the subject of democratic unions. Each of these will take a half hour, or maybe a little longer. It depends upon the length of the answer a little bit, but it will be roughly a half hour. I would suggest that it being after 5 o'clock, we recess and resume in the morning.

I hate to start a subject and not give either Mr. Reuther a chance to give his final answer or me a chance to complete the interrogatory.

Mr. REUTHER. I am very agreeable either way. I respect the Chair's decision.

The CHAIRMAN. The Chair had indicated to the members of the committee that he would recess at 5:20. If there is any member of the committee who has any question he would like to ask this afternoon that he can ask and not necessarily desires to defer until tomorrow, we can be patient another few moments and proceed.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. Mr. Reuther, there are two areas where it seems to me that the union was vulnerable which have been discussed. One was on a question of lack of control over Vincent, and Vincent's testimony indicated that control was quite inadequate. You have stated that it was the intention of the UAW in future circumstances to exert closer control and not permit a local to assign men from one local to another without having some central clearance.

The other was on mass pickets, and that even though tempers flared, the right of those workers who wish to go to a factory can go to work in spite of the opinion of the other workers, and that that right should be maintained. As I understand from your testimony, you feel that that is a right, and that that is the proper position.

Mr. REUTHER. That is correct.

Senator KENNEDY. It seems to me, in looking at this case, which has gone on for so long with so much bitterness, one of the problems has been the failure or the inability of the National Labor Relations

Board to take quicker action; that the trial examiner found, certainly, the failure to bargain collectively very clearly. This matter has been hanging fire since 1953 or 1954. It seems to me that there must be some better way of handling this problem so that a quicker decision can be reached instead of permitting a struggle like this to stretch out to 2 or 3 or 4 years.

I know you took 20,000 pages of testimony and 10,000 pages of exhibits, but have you any suggestions or thoughts as to how on this matter, so that whether you are wrong or the company is wrong, it would be possible to get a quicker action and remedial action?

MR. REUTHER. I would think, Senator Kennedy, aside from the merits in a given controversy, whether a company or a union is wrong, or whether they are both equally wrong, I think we need to review the existing legislation with respect to trying to accelerate, and try to make it possible to come to decisions.

In my prepared statement, I have some suggestions in that field.

It seems to me that we need to try to find a way to be able to get earlier decisions, hoping that those earlier decisions will have some impact upon the parties at the bargaining table so that they can try, then, to resolve their differences in the light of a decision of the agency responsible for handling these problems. But here we are.

We don't know when the Labor Board is coming up with this decision. We don't know. We know it is before them now. We are a little bit disturbed on the whole broad question of due process, of having this stuff kicked around here and the whole thing stirred up while this matter is before an agency of the Government for adjudication.

But if we get a decision in the next 3 or 4 months and the company appeals it to the courts, first the circuit court and then the Supreme Court, this could take 7 years. But it is quite obvious that you couldn't stand in any forum in the world defending labor legislation in America and answer successfully a question by a worker, whether it be in India or in the Scandinavian countries, if he said to you, "Does it take 7 years to get a decision on a labor-management dispute?"

And if you said "Yes," he would say, "Your laws need some changing."

This is an area we have to check into on how to get speedier action with respect to these problems.

SENATOR KENNEDY. It seems to me that this is tremendously important not only in this hearing but also in the question of what legislation should come out of it, particularly in this case where strikers are out and they are replaced by other workers.

A statement was made yesterday by Mr. Kohler that the UAW was no longer the bargaining agent, in his opinion, that new workers had come in since the strike began, replacing the strikers, and that therefore the UAW was no longer the bargaining agent of the workers who were there now.

If you have a situation where the National Labor Relations Board is not able to move in with a decision to make a judgment as to who is the bargaining agent and where the bargaining is being carried on in good faith, it seems to me that that inability or that failure has contributed a good deal to many of the difficulties we have seen in the last 5 weeks before this committee in regard to the Kohler matter.

I was not encouraged by Mr. Kohler's testimony. Mr. Kohler did not seem to be in control of the bargaining relations of his company yesterday. Mr. Conger seemed to be in complete control, with complete unwillingness to recognize the position of the union. It indicates to me that we can predict this strike will go on for a good long time, and I see no end to it short of the National Labor Relations Board and the courts' moving in and making a determination as to who is the bargaining agent and then requiring the company and the union to then bargain in good faith. But I would think that this is a matter that should concern the legislative committees as to what can be done to speed up these procedures so we will not have a repetition of this strike.

Mr. REUTHER. I would agree with you, Senator Kennedy. I think some way to expedite a disposition of matters before the National Labor Relations Board would be a valuable consideration, and I think the delay in this case on the part of that agency is a contributing factor towards the difficulties we have been experiencing.

Senator KENNEDY. Thank you.

(At this point, Senator Ives withdrew from the hearing room.)

Senator CURTIS. Mr. Chairman, I didn't have any questions at this time, but earlier this week I read into the record and delivered a copy of a request for some information for Mr. Reuther to present at the beginning of his testimony. I wonder if we might have it now?

The CHAIRMAN. The Chair does not recall in detail what the request was. I assume that Mr. Reuther is familiar with it and you can advise the committee whether you have responded to the request.

Senator CURTIS. I was not asking that it be read into the record. I just want to see it.

Mr. REUTHER. Mr. Chairman, I might say that to the best of our ability we tried to comply. I have the listing here of all of our international representatives, their names and their mailing address. I have a copy also of our international credential which is the credential each staff member has. I have a copy of the employment card we have. I also have a copy of those sections of the constitution which I would like to read that bear upon the designation of international representative. I would like to put this in the record. What you do about this I—it is really a lengthy document.

The CHAIRMAN. As I understand, Senator Curtis wanted to see them.

Senator CURTIS. I wanted to look at them. Maybe I won't put anything in the record.

The CHAIRMAN. They may all be submitted for inspection simply at this time and later we will determine what part if any should go into the record or be made permanent exhibits for reference.

The documents are being delivered at this time. If there is nothing further this afternoon, the Chair before recessing is very pleased to advise that we have succeeded in procuring this room, the caucus room, for the hearings tomorrow.

Senator CURTIS. Mr. Chairman, I wonder if Mr. Reuther has complied with the entire request.

Mr. REUTHER. I told you, Senator Curtis, that it was impossible. First of all, we only had roughly 24 hours. I was in GM negotiations when I got this message. This is all the information we are able to give you. This is a complete listing of all the international repre-

sentatives, the constitution provisions under which they are designated, and the qualifications they must have constitutionally to be appointed, and the credentials and so forth. That is all the information we can give you.

Senator CURTIS. I asked for five things and I got one and a half. Mr. Chairman, I ask consent that my request be reprinted in the transcript now and then you will know what it is.

The CHAIRMAN. Without objection, the request of the Senator will be printed in the record at this point.

(The document referred to follows:)

Pursuant to our study of violence used as an organizing or bargaining technique in labor-management relations, I would like to have Mr. Walter Reuther furnish to this committee at the beginning of his testimony certain information described as follows:

1. A list of all the international representatives who have been commissioned, appointed, or designated by the UAW-CIO, together with a copy of the commission form used.

2. That each individual listed as an international representative be identified amply and that such identification include any aliases which might have been used by any of such representatives.

3. A list showing the instances in which each international representative has been designated to serve in a labor dispute, either directly participating in the dispute or serving in an advisory or consultative capacity for any period of time whatsoever.

4. All information which the UAW-CIO has concerning the arrest of any international representative in connection with the commission of a misdemeanor or felony, either while serving as such representative or at any other time.

5. Copy of the constitution of the UAW-CIO.

The CHAIRMAN. The committee will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 5:13 p. m., the hearing was recessed, to reconvene at 10 a. m., Friday, March 28, 1958, with the following members present: Senators Curtis, Ervin, McClellan, Kennedy, Mundt, and Goldwater.)



# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

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FRIDAY, MARCH 28, 1958

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the caucus room, Senator Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving Ives, Republican, New York; Senator John F. Kennedy, Democrat, Massachusetts; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session were: Senators McClellan, Ives, Kennedy, Ervin, and Goldwater.)

The CHAIRMAN. We will proceed.

Mr. Reuther will resume the witness stand, and Senator Goldwater, do you have some questions?

## TESTIMONY OF WALTER P. REUTHER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

Senator GOLDWATER. I happen to have a few here, Mr. Chairman.

Mr. Reuther, this does not apply to the subject of the investigation, but inasmuch as you haven't had a chance on it and there is some relationship to it inasmuch as the committee is responsible for it, I want to ask you a question before we get into the general questioning relative to the strike.

This committee has recently in the last week released a report, and some recommendations based on its first year of hearings. Mr. Meany, George Meany, in the official text of his comment said, and I quote:

Today's report of the Senate Select Committee on Improper Activity in the Labor-Management Field, not joined in by Senator McNamara, is a disgraceful example of the use of sensationalism in an attempt to smear the trade-union movement.

Later on in the report he said, and I quote:

In sum, we find the committee's report little more than a publicity seeking document. A field as important as this deserves a mature, sober analysis of the situation, not a press agent's release.

Do you concur in Mr. Meany's appraisal of our report?

MR. REUTHER. Senator Goldwater, in general I concur. I think that if the committee's report had been written more carefully and perhaps if the headlines had been smaller, less sensational, I think they would have had a greater impact in terms of dealing with the problem.

I am concerned here with what we can do inside of the American labor movement to try to put our house in order. We don't deny the fact that we have got some problems. I think we need to find a way to meet this problem other than just expelling big unions, and leaving the rank and file to the further victimization of people who have no scruples and who have betrayed their trust.

I think that Mr. Meany's statement reflected his deep concern that we were getting more headlines and that those headlines were weakening the ability of the American labor movement to deal with this problem effectively. I think that really this is a matter that requires very sober consideration.

I think all of us have a tremendous responsibility and I think that everyone who is generally motivated by a sincere desire to contribute to helping the American labor movement clean its house, from within and from without, ought to be concerned by how best that job can be done.

I think Mr. Meany's reaction was that the headlines were so generalized that they tend to overemphasize certain sensational aspects of the problem to the jeopardy of the more positive, constructive, and sober job that needs to be done.

I think that is essential.

The CHAIRMAN. Does the Senator yield?

Senator IVES. I want to ask Mr. Reuther this, Mr. Chairman: I take it you read what came out in the press at least of the report?

MR. REUTHER. I did not read your full report because I haven't had an opportunity.

Senator IVES. I don't mean the full report but you probably read what was reported in the press.

MR. REUTHER. I read the press accounts.

Senator IVES. Which was a fairly substantial part of it and the essence of it. Did you see the recommendations?

MR. REUTHER. I saw them as reported in the press.

Senator IVES. I think they were accurate, as reported in the press. What do you think of them?

MR. REUTHER. Well, Senator Ives, both as an officer of the labor movement and as a human being, I have been thinking about this, because I think the Becks, and the Hoffas, and the people like that who have betrayed their trust to the American labor movement are unworthy of being in leadership of the American labor movement.

I think unions, where they have administrators for 16 and 20 years, where the rank and file are denied any democratic privileges, I think that all of these kinds of abuses can have no place in a free democratic trade union movement.



I think they need to be removed. The question here is how best can we do that job?

I am in favor of creative labor legislation. I am opposed to repressive legislation.

Senator IVES. I don't think there is anything repressive about those at all.

Mr. REUTHER. I am not saying there is. I am saying it is my attitude. I think that the American labor movement has to give this matter very careful consideration, and I think every effort should be made to encourage and to facilitate self-regulation, to encourage the democratic processes.

Democracy is strong only if it operates. Democracy is not something that you can impose upon and organize.

Senator IVES. May I interrupt you there?

That was originally my own philosophy, and that is the way in which I operated for a great many years, with that philosophy, and suddenly I discovered that the racketeers were getting in, because too much freedom was left to the labor movement.

After all is said and done, the voluntary approach is the right approach, and you and I believe in it. But it is the fundamental approach. It is the approach that makes people happiest because they do things the way they want to do them.

But on the other hand if you leave too much there, to their own discretion, that gives the opportunity for these racketeers and gangsters and criminals to get into it. That has brought me around. I think the thing that interested me was Victor Riesel's blinding, and it brought me right face to face with reality.

I had not realized conditions were as bad as they were. I think we have got to go a little bit further than what we have in the way of legislation and I think you do, too.

Mr. REUTHER. I agree with you fully. I don't think that freedom should be a license.

Senator IVES. That is right.

Mr. REUTHER. I think freedom is both an obligation and a privilege, and I think when people abuse it, to try to use it as a license, then we have got to protect the broader freedom of all of the people against such abuse. The question arises, how do we do it?

I think we all are motivated essentially by the same objectives and the same basic desires. The question is the mechanics, how do we go about doing it?

I happen to believe that the labor movement has to do more within its own structure. I think that we have got to be big enough to recognize our own shortcomings. I think we need to be able to rise above some slogans that we have, very comfortable and convenient slogans behind which we hide when somebody said we were doing things wrong.

We are all human beings, and none of us are infallible, and the labor movement is made up of those kind of people. I think, overwhelmingly, the leadership of the American labor movement is composed of honest, decent, dedicated people, who have served their memberships well, and I think with great personal sacrifice.

I could have made a whole lot more money in private industry, and I was making more money in the shop than I ever got. Why did I go into the labor movement?

It is because I believe that this was an opportunity to serve my fellow man, and to make a contribution in an area I was interested in.

I think this is the philosophy of the overwhelming majority. But it is the small minority. How do we meet that problem?

I favor the kind of approach that would say, that you ought to encourage self-regulation and if the unions will meet these standards, and they will protect these basic values that we believe in, then the Government doesn't intervene, but when you are outside of the area in which self-regulation meets the problem, then perhaps the Government will have to move in to fill the vacuum created by the failure of those who want to abuse their power.

Senator IVES. Such legislation as that would be very hard to write. You know that as well as I do.

Mr. REUTHER. Well, making freedom—

Senator IVES. That pretty near puts labor organizations into a straitjacket, what you are talking about—they have to do this or else. That is about what it amounts to.

I am not too much inclined to favor that kind of an approach. I think the approach that we have taken in our committee is much better.

Mr. REUTHER. Well, my proposal, Senator Ives, I do not think would put the labor movement in a straitjacket.

Senator IVES. It could very easily.

Mr. REUTHER. I would try to safeguard against that by appropriate legislation. My principal feeling is that we need to encourage self-regulation.

This is, I think, what has to be done, and I think that this will meet 99 percent of the problem.

Then we would have to find out how to deal with the 1 percent that is outside of this kind of a setup, and what I think we need to avoid is legislating for the 99 percent in terms of the problem created by the 1 percent.

Senator IVES. But all of our legislation, please bear this in mind, all of the time, we are legislating for the minority.

We pass legislation here, there, and other places, and it is always a minority that it is for. It is never the overwhelming group, except in rare instances. So it is here.

We have got to help you protect yourselves, because it is very evident that you cannot protect yourselves under the laws as they are.

Mr. REUTHER. You can but it is difficult.

Senator IVES. You haven't done it.

Mr. REUTHER. There is no racketeering in our union.

Senator IVES. You haven't done it, that is the point.

Mr. REUTHER. In our union, we have.

Senator IVES. I am not talking about your union, you are an exception. I am talking about the labor movement as a whole, and while I am on this subject, I want to pay tribute to the great majority of labor leaders.

All of them are honest to goodness God-fearing men, and I know most of them, the important ones, and I know that to be true, and I want to say at the same time there is no point in scuttling the ship in order to kill a few rats.

But on the other hand, you have got to protect the labor movement as a whole against its own weaknesses, and that is what we are trying to do with these recommendations.

Mr. REUTHER. I cannot disagree with that general statement. I think it is a question of how we can draw the line of demarcation between what constitutes corrective legislation, and what constitutes repressive legislation. That is the line I think we have to learn to draw.

Senator KENNEDY. I want to pursue that point.

Senator GOLDWATER. I am happy to yield to my friend from Massachusetts.

Senator KENNEDY. I think it would be unfair to ask you, Mr. Reuther, at this point to do any more than state a general position on legislation, and I am hopeful that you will testify before our subcommittee, both on bills which may be before it and possible alternatives.

The problem is to develop the generalization of corrective legislation which would be helpful to deal with particularly those areas where the AFL-CIO ethical codes do not reach, those unions which may have been expelled from the AFL-CIO who don't meet the ethical standard which the AFL-CIO is requiring of its members.

The problem is, of course, how we are going to do that without affecting adversely the interests of the 90 percent that Senator Ives mentioned. It is an extremely difficult problem.

I am hopeful that the labor movement, or at least its spokesman, will not confine themselves to saying what is wrong with the proposals put forward without at least suggesting areas where there might be possible improvements.

I think if we confine ourselves merely to saying what is wrong, when anything is put up, and at the same time saying "Yes, we need corrective legislation," we don't really get very far.

I know that you are a man of great influence in the labor movement, and I am hopeful when you come before our committee that you will have a chance to look it over, and suggest not only where we are wrong, but where we could be right, or where we could go.

Mr. REUTHER. I agree. Obviously we have got to ultimately get out of the realm of just noble generalizations and we have got to say what we stand for, and we have to be able, I think, to defend that based upon the dimensions of the problem we are dealing with, and the realities that surround us. I mean I share that point of view completely.

Senator KENNEDY. Thank you.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, Kennedy, Curtis and Goldwater.)

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Now, Mr. Reuther, getting back to the general subject of yesterday, mass picketing, Emil Mazey was before this committee and he admitted that Kohler employees who wanted to go to work were kept out by a mass picket line, before the Wisconsin Employment Relations Board ordered them to cease and desist.

My question on that is: Do you approve of preventing men from going to work by a mass picket line?

Mr. REUTHER. Senator Goldwater, as I said yesterday I do not.

Senator GOLDWATER. If a man chooses not to join your union, is he obligated to go on strike and stop work when your union calls a strike?

MR. REUTHER. This is a matter of individual conscience. I think personally, where a majority of workers have made a Democratic decision, and they have agreed to act together in order to improve the working conditions and the wages that will apply to all of the employees, I believe that a worker has a procedural obligation to support that joint effort of his fellowmen, but he has a legal right to go to work if he chooses to.

SENATOR GOLDWATER. That is right. Now, if a union calls a strike, is an employer obligated to close his plant?

MR. REUTHER. No. Not legally. I think an enlightened employer, where he has recognized the union and the spirit of the law, which requires him to bargain in good faith, would not attempt to break the strike. He will attempt to settle the strike. The Kohler Co., unfortunately, has never accepted the letter or the spirit of the law. That is why they have been found guilty by the trial examiner of the National Labor Relations Board.

SENATOR GOLDWATER. Is it your belief that if an employer tries to operate his plant during a strike, that you have a right to shut it down by mass picketing?

MR. REUTHER. I said yesterday, Senator Goldwater, that if a worker has a right to join with his fellow man in choosing not to work, another worker has a right, a legal right, to choose to work. Obviously, the only way he could ever exercise that right were if the plant were open so that he could work.

SENATOR GOLDWATER. If the union did attempt to shut it down by mass picketing, who would be responsible, in your opinion, for any violence that might occur?

MR. REUTHER. Well, it would depend on what circumstances.

SENATOR GOLDWATER. Pardon?

MR. REUTHER. I say it would depend on what kind of violence was involved and what the circumstances were. When Mr. Herbert Kohler, as was testified here by the sheriff, when he came out with a club in his hands and said "I am the law here," if something had happened there, I would have thought maybe Mr. Kohler had provoked it. It depends on what the circumstances are. If you will give me a specific situation, and who hit who, and under what circumstances, I can give you a more specific answer.

But you can't ask me in a hypothetical, abstract, undefined situation who was responsible.

SENATOR GOLDWATER. In the case of the mass picketing that occurred in front of the Kohler plant, who was responsible for that?

MR. REUTHER. Do you mean who was responsible for the fact that there were a lot of Kohler strikers in front of the plant?

SENATOR GOLDWATER. Mass picketing.

MR. REUTHER. The local union strike committee, which was set up by the Kohler workers in accordance with the democratic structure of our union, they made a decision asking all the Kohler strikers to take their place on the picket line for the reasons that they felt they would be more secure because of the shootings and killings that took place in the 1934 strike, and secondly because Mr. Conger at the bargaining table said the union did not represent the workers, and they figured that if they walked the picket line together, that would prove to the company that the union did represent them. This is how they got there.

Senator GOLDWATER. You would say in this particular instance, you asked for a specific, that the local union was responsible for the mass picketing?

Mr. REUTHER. They were responsible for the fact that there were a large number of Kohler strikers on the picket line at the same time, that is correct.

Senator GOLDWATER. Mr. Mazey has testified, and I read from his testimony:

The people who have returned to work are traitors to our cause. They have joined the ranks of the enemy and they ought to be treated as such—

and also referring to nonstrikers, again I quote:

They have joined the ranks of the enemy and they ought to be treated as such. During the war, when they joined the enemy, they are shot, when convicted.

Mr. Reuther, do you agree with Mr. Mazey's statements in that instance?

Mr. REUTHER. Well, I would choose my words much more carefully than Mr. Mazey did. I think that his words are very descriptive, but I would think that they were not chosen too carefully.

But, you know, when you have a democratic union, I don't write Mr. Mazey's speeches and he doesn't write mine.

Senator GOLDWATER. Then you would disagree with him?

Mr. REUTHER. I would not have used that language.

Senator GOLDWATER. Would you disagree with Mr. Mazey's statement?

Mr. REUTHER. Well, I certainly think that if the law of the land permits a worker to choose not to go to work, and permits another worker to go to work, that while he was in violation of a basic moral obligation to his fellow man, I wouldn't—I think that he was wrong morally, but I wouldn't call him a traitor, because that implies something with respect to the loyalty of one's association with his country.

I would not have used that word.

Senator GOLDWATER. But you disagree, then, with Mr. Mazey's statement?

Mr. REUTHER. I think I have said that I wouldn't have chosen his language.

Senator GOLDWATER. I just want to find out whether you agree or disagree with your vice president.

Mr. REUTHER. If you don't know my position after telling you these things, I will have to draw you pictures.

Senator GOLDWATER. I know it is very easy—

Mr. REUTHER. The point is I would not have used this language, and, obviously, if I wouldn't have used it, I wouldn't agree with the words that he used.

Senator GOLDWATER. It is so easy to answer, if you eliminate the words in between. How about a man who has never seen fit to join your union. If your union called a strike and he wants to work, would you consider him a traitor?

Mr. REUTHER. I would consider him of having defaulted in his basic moral obligation to his fellow man. I would not consider him a traitor.

Senator GOLDWATER. Would you consider him an enemy?

Mr. REUTHER. Well, I think that in a given strike situation, he certainly is not being very friendly or very cooperative or very helpful.

He certainly is not helping the cause of the majority of the workers who decided to try to improve their working conditions and their wages and so forth through strike action. In that case, he certainly is in opposition. He certainly is hurting the strike. He certainly is an enemy of the strike. He is in opposition to it. But here again, you see, the word enemy and the word traitor have connotations beyond the area in which we are discussing them, and, therefore, I would not have chosen that word. I would have found a way to describe this fellow. I think he is not the kind of person who helped build America. I think he is not the kind of a person who helped make social progress in America, to make America strong. But I would find another way to describe him.

Senator GOLDWATER. Doesn't that man have as much right to go to work as you have to strike?

Mr. REUTHER. I have just said that he has.

Senator GOLDWATER. Doesn't he have a right to protect his job?

Mr. REUTHER. He has a legal right to go to work even though his fellow men in the majority vote feel he ought to join their ranks. He has that same legal right to go to work that they have not to go to work.

In other words, he has a right to sell his labor power and they have a right to withhold their labor power. That is all a strike is. You just agree together, collectively, by a majority vote, to withhold your labor power for the period of the strike. We make strike sound so terribly bad. It is just a simple matter of saying the only thing a worker has to sell is his labor power, his sweat, energy and his skill, and he says "I wouldn't sell it for the price you are willing to give me or the conditions under which you ask me to provide it, and I want to withhold it."

When a company withholds a product from a market, that is a perfectly fine thing. That is advancing the whole American system. But when a worker does it, it takes on a kind of sinister tone. There is nothing sinister about it. The law says workers have a right to do this.

(At this point, Senator Kennedy withdrew from the hearing room.)

Senator GOLDWATER. Mr. Reuther, there is evidence that in a speech on May 9, 1954, Robert Burkhart referred to the nonstrikers as germs. You will find that on page 783. Don't you think that in an intense strike situation, to have high-placed officials of your union like Mr. Mazey and Mr. Burkhart referring to nonstrikers as traitors, enemies, and germs, might be likely to incite the strikers to violence against the nonstrikers?

Mr. REUTHER. Well, I think that here again, Senator Goldwater, I suppose if I am going to have to write speeches—I don't even have time to write my own speeches. That is why I never have a written speech. If I am going to have to write speeches for everybody in our union who makes a speech, I am going to have to work longer hours than I currently work.

The point is that in situations many times people say things, and when they are taken down and they appear in black and white, in print, and they read them in a completely different context, they say "My God, did I say that?"

And this is not only true of union people. It is true of management people, and I would like to respectfully say it is true of Republi-

cans and Senators. It is true of all of us. I can get you things that you said that you would like to somehow expunge from the record, and maybe you could do the same thing with me.

This is why—we are all human and we are all frail, and we all make mistakes. I wouldn't use the word germ because I think there is a better way to define these fellows. I think germ kind of throws you off the track.

Senator GOLDWATER. One of the reasons that I wanted to read these statements to you is I know you haven't had a chance to read the record, and you weren't here during the hearings, so you might have a better insight into some of the other problems of your union that you might not have suspected before you came here.

Continuing on Mr. Burkhart, in a radio speech that just preceded the strike, he said:

If the Kohler Co. attempts to operate the plant during the strike, it will only be provoking trouble. As the company said in its latest publication, it is perfectly legal for a man to become a strikebreaker, but no decent person wants to be one. It is also perfectly legal for a person to step off a curbstone into speeding traffic, but no sensible person would do that.

Can that statement in your mind be considered anything but provocative?

(At this point, Senator Kennedy entered the hearing room.)

Mr. REUTHER. I believe that when a company deliberately and willfully embarks upon a labor policy designed to break a strike and destroy a union, that it must assume the prime, moral responsibility for anything that happens. There is not one enlightened modern management group in America who, where a responsible union takes a strike vote democratically, even though management may question their judgment, when they go on strike—management may feel that they are wrong in what they are doing, but if they democratically choose to go on strike, there is not one responsible management in any industry that attempts to break that strike.

We had a strike in General Motors for 113 days. The company never made any effort. They told us they would not attempt to operate until the strike was over. We had a strike in Chrysler in 1950 where we didn't have a single picket at a single plant in the whole of Detroit.

Why?

Because everybody knew the company wasn't going to try to break the strike. It was an economic contest. We wanted so much for our labor power, and the company was only willing to pay us so much. So we had a reasonable, sensible argument about this. But they didn't try to destroy us and we didn't try to destroy them. But the Kohler Co. gets in trouble because they want to destroy the union.

This is always what provokes the trouble. I say the party that makes the prime decision to destroy the other party acts outside the letter and the spirit of the law which requires good-faith bargaining, and, therefore, is morally responsible for the difficulties that ensue.

I don't think you can run away from that. This is why, Senator Goldwater, you can sit down in England or the Scandinavian countries as I did last summer, and talk to industry people. I was asked to address, last fall, a group that was like the NAM in America. They said to me "How can you explain the Kohler strike?"

They can't understand it. They don't have the kind of trouble we have, because management there wouldn't think of trying to break a strike, like the Kohler Co. I say the responsibility is not Mr. Burkhardt's for making a speech that you think was inflammatory. The prime responsibility is the Kohler Co. because they are acting outside of the law.

Senator GOLDWATER. All right, Mr. Reuther, let's move on now to the episode involving Mr. Vincent. Yesterday in commenting on Mr. Vincent, I believe you used language pretty much to this effect, that he was punished as he should have been punished.

Mr. REUTHER. That is correct.

Senator GOLDWATER. Wouldn't this mean in your mind that Mr. Vincent received a fair trial and a just sentence?

Mr. REUTHER. Well, I don't know the details of the trial there. I have never read a transcript of the trial procedure, so I don't know. I assume that, like any other American, he got a fair trial in a court room established for that purpose. But I am not personally familiar with what took place.

Senator GOLDWATER. If he was punished as he should have been punished, I think a reasonable person would assume that he received a fair trial and a just sentence. Wouldn't you?

Mr. REUTHER. I would assume that. I always assume that the courts are fair, because I think at the point that you begin to question the courts and so forth, I think we get in trouble in America. The lawyers tell me that they felt that in this case, based upon the circumstances, that the penalty, the sentence, was a bit severe. That is what I am told.

Senator GOLDWATER. But the trial you assume to be fair?

Mr. REUTHER. I would assume that the trial was fair; yes.

Senator GOLDWATER. Did any Kohler striker or any union member in any proceeding before any court, from the Kohler strike, receive an unfair trial, in your opinion?

Mr. REUTHER. I wouldn't know of any.

Senator GOLDWATER. You don't know of any?

Mr. REUTHER. No. I know that—I mean, I don't know about these details, but I am perfectly willing to assume that people who appeared in a courtroom got a fair trial, and in the absence of information to the contrary, I accept that assumption.

Senator GOLDWATER. Now, Mr. Reuther, practically all of the union witnesses in these hearings have testified that the overwhelming majority of the people in the Sheboygan area are wholeheartedly in support of the strike and sympathize with the Kohler employees. Do you wish to repudiate that testimony?

Mr. REUTHER. No, I wouldn't.

Senator GOLDWATER. Then it is true, is it not, that Mr. Gunaca would receive a perfectly fair trial if he returned to Wisconsin?

Mr. REUTHER. Well, I would think that really trying to implement the spirit of democracy in a fair trial, that I think that a person would be in a better position to get a fair trial in a community that was not charged with the emotional tension and the bitterness and the strain and stress that Sheboygan has been experiencing. It would seem to me—I think that Mr. Gunaca ought to be back in Wisconsin without another day's delay, and I think that the prosecuting attorney



in the Sheboygan District ought to agree—the Governor of Wisconsin has agreed to try to work out another site. It seems to me they ought to shift this thing and get it behind us. I think it is very unfair to keep dragging this thing out. I personally think that no one can deny the fact that Sheboygan is experiencing great stress and strain, that emotionalism is high and tense there, and what you ought to do is to put this case in some other courtroom in Wisconsin and give this man a fair trial.

If he is found guilty, then give him a punishment that fits his offense. That is what ought to be done. I think splitting hairs about can you get a fair trial in Sheboygan County or not is not really the spirit of American democracy.

Put him where you know he can get a fair trial and then you wouldn't have an argument about it. There are other parts of Wisconsin where they have good judges, and where they can draw a jury from a community.

But to try to insist that a man be tried in an atmosphere charged with hatred, suspicion, ill will, neighbor against neighbor, where a man doesn't talk to his own family except at a funeral, this is not a community where you can be certain to get a fair trial.

I don't say you can't get a fair trial, but at least somebody might say you couldn't. Therefore, to remove even that shadow of a doubt, I would suggest that you go to another section of the State so that everybody would know you are getting a fair trial.

Senator GOLDWATER. Mr. Reuther, you have testified that you feel that Mr. Vincent got a fair trial in Sheboygan. The overwhelming testimony of union witnesses before this committee is to the effect that the people of Sheboygan are in support of the strike and sympathize with the union.

Mr. Emil Schuette, who is president of the Sheboygan County Labor Council, AFL-CIO, in an affidavit, mentions the overwhelming majority of the people in the Sheboygan area are wholeheartedly in support of the strike and the union.

In view of this, I can't understand your reluctance to see Mr. Gunaca tried in a community that seems to lean in his favor rather than against him.

Mr. REUTHER. Senator Goldwater, we ought to understand several simple facts. First of all, this is not my decision. Mr. Gunaca has a lawyer. This is the lawyer's decision. He isn't seeking me. I have never met Mr. Gunaca in my life. If he walked in this room I wouldn't know him. He didn't come to me for legal advice. He has a lawyer, his lawyer thinks he shouldn't go to this city because of the emotional stress and tension there. I don't say he can't get a fair trial in Sheboygan. I don't know. But it seems to me that if his lawyer thinks he can't, he is entitled to follow the advice of his lawyer, because that is why he has him. It would seem to me that everybody could say that maybe in the other city he could get a fair trial, and that would remove any shadow of a doubt about the fairness of the trial. I think it is a disgrace that he can't be tried and this thing gotten behind us. But let us understand one thing clearly. This is not my decision. Mr. Gunaca has never asked me for my opinion. And if he asked me, I wouldn't know what to tell him, because I am not competent to make a decision in this field.

Senator GOLDWATER. Who is paying for his lawyers?

MR. REUTHER. I am not certain who is paying for his lawyers' fees. The international union may be paying for his lawyer fee. That is possible, because I think there was a general policy to pay people who got into difficulties as related to the strike.

SENATOR GOLDWATER. Do you want to ask Mr. Rauh if he knows who is paying them?

(The witness conferred with his counsel.)

MR. REUTHER. Mr. Rauh advises me that there was testimony to the effect that we are paying for it.

SENATOR GOLDWATER. Then inasmuch as the union funds are being used and you are president of the union, even though I know you run a democratic union, and you leave these decisions pretty much up to your people, don't you feel, as president, some responsibility in this case?

MR. REUTHER. Senator Goldwater, it would seem to me that if you were paying a legal fee, and you took the position that since you are paying the money you can call the shots, that that is completely contrary to the whole concept of due process and the legal procedures of our whole judicial system.

It seems to me that when a man chooses a lawyer and he develops a client-lawyer relationship, and his lawyer says "You can't get a fair trial, in my judgment, in this town," I shouldn't say "Well, I am paying the bill, you are going to do it my way."

I just don't want to have that kind of relationship with people, because I think it does violence to every concept of decency and democracy.

SENATOR GOLDWATER. Mr. Reuther, in view of the answers that you have given, namely that you feel that Mr. Vinson received a fair trial, and that you feel that Mr. Gunaca should return to Wisconsin and stand trial, and note I have said Wisconsin, are you willing to publicly ask Governor Williams to extradite Mr. Gunaca to Wisconsin?

MR. REUTHER. I think that first of all I have never talked to Governor Williams about this case, and I don't intend to. I think that if Governor Williams and he is competent to speak for himself, and he is ultimately responsible to the people of Michigan, who, in their good wisdom, have chosen to elect him time after time by increasing majorities, I think Governor Williams' position is very clear.

He has said that this man's lawyer raises a reasonable doubt in that in the emotionally charged climate of that community, suffering the strains and stresses of the longest, bitterest strike in the history of the labor movement, there is some doubt as to whether in that emotionally charged climate he can get a fair trial.

Governor Williams, in keeping with the high tradition of American democracy and fair play and due process is saying "I will sign the papers"—as a matter of fact, he wouldn't have to sign any papers, because Mr. Gunaca said he would go back voluntarily if they will move the trial to another section of Wisconsin. If you want Governor Williams to come down here and defend his position, I am sure he will respond. I didn't make his decision. I never talked to him. To my knowledge, no officer of our union ever talked to Governor Williams. This was done by the lawyers handling this case.

(At this point, Senator McNamara entered the hearing room.)

Senator GOLDWATER. Now, you as a citizen of Michigan and as the president of your union who has stated publicly that you feel Mr. Gunaca should stand trial, would you be willing to publicly state that unless he goes back to Wisconsin voluntarily you will withdraw financial support such as the pay for his legal advice?

Mr. REUTHER. I would be willing to say emphatically and without reservations or hesitation that if the request of Mr. Gunaca's attorney for a change in the location of the trial, if that were agreed to and if the trial were moved out of the stress and strains of the emotional climate of Sheboygan and to another area, and Mr. Gunaca then did not voluntarily go to Wisconsin for the purpose of being tried, we would terminate forthwith any further assistance with respect to his legal needs.

I say that categorically, because we want Mr. Vinson to stand trial but we want him to get a fair trial, and we are willing to have him accept the evaluation of the Sheybogan situation that his attorney makes.

Senator GOLDWATER. I think the reporter should change that name to "Gunaca" and not "Vinson." Mr. Vinson has already stood trial.

Mr. REUTHER. Thank you for the correction.

Senator GOLDWATER. Now, Mr. Reuther, I want to get into another little matter here. Because he sentenced Mr. Vinson, Mr. Mazey made a public attack on Judge Schlichting which I personally consider wholly unjustified, and he said, and I quote him:

I further said that the conduct of Judge Schlichting in the Vinson case raised a serious question in my mind as to whether he is qualified to serve as a judge in this community and I repeat this charge.

Now getting back again to the testimony I referred to in my last series of questions, namely your statement yesterday to the effect that you felt that Mr. Vinson had received a fair trial which you reiterated this morning, I take it that you disagree with Mr. Mazey in his statement on Judge Schlichting.

Mr. REUTHER. I think Mr. Mazey was influenced by the feeling that the sentence was severe. I think the trial was fair, but the sentence was severe. That was the feeling.

I would not have used the language Mr. Mazey used, and therefore I disagree with the language he used.

Senator GOLDWATER. Did your union ever publicly retract its criticism or Mr. Mazey's criticism of Judge Schlichting after the Wisconsin Supreme Court affirmed the verdict and the sentence.

Mr. REUTHER. I wonder if you would be kind enough to repeat that, I am sorry.

Senator GOLDWATER. Did your union ever publicly retract its criticism of Judge Schlichting after the Wisconsin Supreme Court affirmed the verdict and sentence, and I didn't read it that way the first time. I said Mr. Mazey's criticism, so will you answer that one?

Mr. REUTHER. Not to my knowledge. Not any more than the President of the United States feels obligated to repudiate every statement made by a Republican politician when he says something the President doesn't agree with.

These are the things that people do in a democratic organization. I may make a statement which Mr. Mazey doesn't agree with, and I

respect his right to disagree with me just as I am sure he respects my right to disagree with him.

You asked me whether I agreed with him and I say I don't. But I don't have to repudiate him every time he says something I disagree with.

Senator Goldwater, this is the way a free country operates, and thank God we can have our differences, even though sometimes it agitates your ulcers and makes your hair turn gray. This is the way it ought to be.

Senator GOLDWATER. Would you like to state your position about Judge Schlichting?

Mr. REUTHER. I don't know much about the judge, and I never had the pleasure of meeting him. I just work on the basis that this is the most wonderful country in the world, and it has its shortcomings, and its deficiencies, but overall it happens to be the last hope of freedom in the world.

I believe in the Government, and I believe in the economic system we have, even though there are times when it inflicts injustice upon people, and I believe in the courts, and therefore when the democratic processes elect a person to public office, I accept that in good faith, and I don't go around challenging people just because I may disagree with them on some details.

Senator GOLDWATER. Well, you disagree with Mr. Mazey's criticism of Judge Schlichting?

Mr. REUTHER. I said that as simple as I know how, and I said I disagreed with what Mr. Mazey said.

Senator GOLDWATER. Thank you. Some place in that mass of words, I missed that.

Now, do you agree with Mr. Mazey's action in issuing instructions that the union issue no more food vouchers for grocery stores in which the judge has a financial interest?

Mr. REUTHER. Well, it seems to me that there is a tremendous difference between how you spend your money and raising the question of people's motivations or integrity.

In characterizing the judge, I think though there was some indiscretion, Mr. Mazey was doing one thing. But when it was a question of where do you buy groceries for strikers with moneys contributed by workers, this seems to me, within our free enterprise economy, our business.

If we learned that a judge whom the local boys didn't feel was very fair, and this was their feeling and I don't share that point of view, at that point I think it was within their right—you can question their judgment—I think that is quite important, they had a right to spend their money for groceries wherever they chose to spend it.

If this judge had an interest in a chain store and he would therefore make a profit from their dollars, they had a right to say, "Well, we won't buy our groceries there, we'll buy them elsewhere in the community."

I don't really think that that is of such world-shaking importance that it ought to take the time of men of your great importance.

Senator GOLDWATER. But in the course of your answer, you didn't agree with Mr. Mazey's actions?

Mr. REUTHER. On the question of where we buy groceries, I think Mr. Mazey was right.

Senator GOLDWATER. But it seems to me that some place in your answer, you said that you didn't agree with his action in this instance.

Mr. REUTHER. I said I make quite a sharp distinction between where you buy groceries and questioning people's integrity in basic motivations. It seems to me that there is a world of difference between those two questions.

Senator GOLDWATER. Let us get into the next one. Do you think it is all right to exert financial pressure—I would call it a boycott, but I won't quibble about it—on a judge who had incurred your union's displeasure for passing a sentence later approved by the Supreme Court?

Mr. REUTHER. I would like to say that a judge who can be persuaded in making decisions in a courtroom, sworn to uphold the law and to hand out justice—if he can be persuaded by the fact that somebody didn't buy groceries in a store in which he held an interest, then I am afraid he didn't have much moral fortitude to start with.

I don't think that would sway a judge, and I think anyone who would say that would sway this particular judge has little confidence in his dedication to democratic values and justice as we conceive it.

Senator GOLDWATER. Do you think it was all right to exert that kind of financial pressure? The decision had already been made.

Mr. REUTHER. I think if the effort was to persuade the judge in his decisions, it would be wrong. But if it were a straight economic matter, then the union had a right to do it.

This is again, you see, this very important line of demarcation. When you are dealing with purely economic material things, there is one kind of standard of what is ethical and moral and right, but when you are dealing with basic values of a person's motivations and their integrity, then you are dealing with things I think are quite sacred and you do not attempt to interfere in that field unless you are on the solidest ground possible.

Senator GOLDWATER. Now the attorneys were aware as early as May of 1954 that the judge had an interest in those grocery stores, and that was long before Mr. Vinson came to trial, and it is my understanding that groceries were continued to be bought from those stores.

It wasn't until after the judge had passed his decision that Mr. Mazey issued instructions that no more food was to be bought from the judge.

Now don't you think it is apparent that attacks and financial pressure of this kind were designed to influence the decisions not only of that judge but any other judge in that area who might try a case involving a union?

Mr. REUTHER. I do not. I do not think those were the motivations of the union, and if they had been, it would have been wrong, but I deny that those were the motivations, and if the union had tried to influence a judge I just don't think judges come that cheap in America.

I have more integrity in our system of justice than believing whether you buy a few more groceries or a few less groceries, you can influence a decision of the courts.

I have too much respect for the courts of the United States to believe that.

Senator GOLDWATER. Well, Mr. Reuther, candidly, what other conclusion can a person draw on Mr. Mazey's action, than one of attempting to either punish or to exert influence on future decisions?

MR. REUTHER. Well, I suppose that one's conclusions depend upon how one feels about these things. If you feel as I do strongly that there are men of principle sitting in the courts of the United States and they can't be bought with a few more groceries or a few less groceries, then you come to the conclusion I come to, that this couldn't influence a judge, and the motivation behind it was not to influence the judge.

It was just a decision that "We are not going to buy any more groceries in this man's store, because we don't like the things he did." It wasn't to influence him.

I think if anybody thinks he can influence a judge, elected by the people——

SENATOR GOLDWATER. Don't you call that economic pressure?

MR. REUTHER. I do not, sir. I don't think you can influence judges that way. Do you think you could influence a Senator if he owned a grocery store and you bought groceries there or didn't, do you really think that?

SENATOR GOLDWATER. Don't you think that Mr. Mazey really was trying to punish this man because he made a decision he didn't like? What other conclusion can you honestly come to?

MR. REUTHER. Well, I think Mr. Mazey was angry, and I think he didn't like what the judge had done, and I think in that emotional condition he said, "Well, by George, we don't have to give him our money and we'll buy our groceries some place else," and I think it is just that simple.

SENATOR GOLDWATER. He was punishing the judge?

MR. REUTHER. He was not buying groceries in the store in which he had an interest.

SENATOR GOLDWATER. He was giving the judge a little economic difficulty?

MR. REUTHER. Do we have a free enterprise economy or can't you buy groceries in the store where you want to buy them?

SENATOR GOLDWATER. You can do it any place you want, but there are reasons for it.

MR. REUTHER. That is all Mr. Mazey was doing, and he was exercising his right to spend money for groceries in a store other than the one that the judge owned an interest in.

SENATOR GOLDWATER. Mr. Mazey issued instructions that the union not buy any more goods there.

Now, isn't that punishing the judge for a decision? Is that, in your opinion, and I know you hold the courts in high regard, a good thing to have happen in America, in a democratic country and a free country?

MR. REUTHER. Well, if I thought that the motivation was to attempt to influence the courts, then I would speak out against it with vigor.

SENATOR GOLDWATER. How about——

MR. REUTHER. I think this was simply a situation where emotionally the people were somewhat irritated and agitated, and they said, "Well, we don't just have to buy our groceries there any more at least." I don't think it was an attempt to influence the court, and I think you can go around and around and around on this, and you will just be exactly where you are right now. I don't accept that.

SENATOR GOLDWATER. It couldn't have been an attempt to influence the court, because the court had already made its decision. But you

can't agree with the idea that we punish a judge because a judge passes a sentence that we don't like. You can't agree with that, can you?

Mr. REUTHER. No. I personally think that the economic differences between free labor and free management ought to be essentially resolved between them. But that doesn't stop the fact that in a situation like the Kohler strike, where the company has been behaving very badly and they have been violating the law and not bargaining in good faith, and where the workers have been pushed around, and shot at, and killed, and wounded in the 1934 strike, you just can't expect everybody up there to have to get up in the morning and have their wings trimmed.

This is the kind of a situation where people are people. When they said, "Well, by George, we don't have to buy our groceries over there," this was acting like ordinary people act when they are agitated.

You ask me, do you think I would do it, and I don't know what I would have done.

Had I been there, and involved in the same emotional climate, I perhaps would have acted the same way. But if they sat down with me and said, "Look, we had better teach this judge a lesson so that other judges won't behave this way, let us put some pressure on him," I would have said "This is the surest way for me to insist that you not only buy the same amount of groceries there, but you had better increase the number, because I would not for one moment do that."

There are things more important to me than just the labor movement. There are a few things that I consider, my own personal self-respect; because before you can live with the other fellow, you have to learn to live with yourself.

I would never be willing, I would never be willing to compromise a basic principle.

When you talk about trying to tamper with justice by economic pressure, that is in direct opposition to what I think is right, and I would never agree to that.

But in this situation, that was not remotely in the picture. That I am sure of.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, McNamara, Kennedy, Curtis, and Goldwater.)

Senator GOLDWATER. You said that you felt that he was acting in anger, and said "Well, this judge has done this, we are going to teach him a lesson," in effect.

Now you say that you don't feel it was remotely connected. Don't you honestly feel that Mr. Mazey was punishing, attempting to punish, the judge? What other reason would he have to stop their buying groceries at his grocery store?

Mr. REUTHER. I told you before I don't think he was trying to in any way. I think that this was kind of a natural reaction of people who were emotionally agitated. They said "Well, at least we don't have to buy our groceries there." I think it was just about that important.

Senator GOLDWATER. He wasn't trying to help the judge's grocery store?

Mr. REUTHER. Well, I don't think he has a responsibility to help the grocery store. That is not Mr. Mazey's responsibility. The judge doesn't expect him to, and I am sure he doesn't.

Senator GOLDWATER. Does he have a responsibility to try to punish the judge through economic pressure?

Mr. REUTHER. I said before that any effort to influence the court would be wrong, and that there is not the remotest relationship between what happened there and trying to influence the court, not the remotest.

Senator GOLDWATER. You are convinced that Mr. Mazey didn't try to punish the judge?

Mr. REUTHER. I think Mr. Mazey just said "Look, we don't like what this fellow did. I don't think we will buy our groceries there."

I think it is that simple. I think you are making three mountains out of a very small molehill.

Senator GOLDWATER. You are saying what I am saying, that there was punishment, but you are saying it in a different way.

Mr. REUTHER. You say it your way and I will say it my way. That is fair enough.

Senator GOLDWATER. I think it is an important part of this whole hearing, in this, should we countenance economic pressure on the judiciary in order to influence decisions or to punish them for decisions. I don't think you agree with that.

In fact, you said you don't agree with that action.

Mr. REUTHER. I say emphatically that this union will never be guilty of that as long as I have anything to do with it, and if that became the policy of this union, by decision beyond my control, I would resign, because I will not be a part of a labor movement that is corrupt, that has racketeering or Communists, or that attempts to use economic muscle to influence the laws and the courts of this land.

I would not be a party to that kind of a movement.

Senator GOLDWATER. You didn't know about this when it occurred, then?

Mr. REUTHER. Obviously I didn't. I didn't know about the grocery store thing until this hearing took place, because it isn't that important.

Senator GOLDWATER. I can understand how you wouldn't know about it. That is why I tried to keep away from these small details. But in the future, we can depend on you to take action if such a thing were tried?

Am I correct?

Mr. REUTHER. You can be certain, Senator Goldwater, that if I knew of any situation where people were trying to use economic action to influence a decision of the courts, that I would be opposed to that, and I would do everything in my power to stop it.

Senator GOLDWATER. Are you, by those words, repudiating Mr. Mazey's action in this?

Mr. REUTHER. Why don't you just get all the things that you want me to repudiate Mr. Mazey on and give them to me, and I will tell you which ones I am prepared to disagree with him on.

I think Mr. Mazey did what any other human being in that kind of situation would have done. He just said "I think we will buy our groceries elsewhere."

Now ain't that a terrible offense?

Senator GOLDWATER. I think it is, frankly, if it was done for the purpose—

Mr. REUTHER. Well, it all depends on one's point of view.



Senator GOLDWATER. Now, Mr. Reuther, ex-Sheriff Mosch has testified that he received \$300 from Graskamp for his re-election campaign in the fall of 1954; also, the minutes of the local show a motion to donate that amount subject to the permission of the director of region 10, who, I believe, was Harvey Kitzman. I assume that permission must have been given since the donation was made. The local union minutes also show an expenditure of \$200 for mailing out literature in support of the re-election of Mosch. Mosch testified that his total campaign expense was \$1,000 to \$1,100. So about half of his campaign expense came from union sources.

Do you think it is a proper expenditure of union dues, a proper moral expenditure, to use it to support the campaign of a sheriff in this instance for reelection?

Mr. REUTHER. I see nothing improper with that local union, if they felt there was a campaign going on there—I suppose there were two people running. They certainly had a perfect right, democratically, to support the candidate of their choice.

I don't see anything wrong with that.

(The witness conferred with his counsel.)

Senator GOLDWATER. You don't see anything morally wrong with it? Suppose some of the other members of the union wanted to support the other candidate?

Mr. REUTHER. Well, I suppose they did.

Senator GOLDWATER. No. But with union funds?

Mr. REUTHER. Senator Goldwater, we have been over this one and over this one and over this one, and if you want now to start and turn this into the Gore committee, I would be happy to do that.

Senator GOLDWATER. We are going to do that later.

Mr. REUTHER. You are going to do that later? I see. The point is that our union, I think, attempts to make decisions of this character at the level of the union where people directly involved have the responsibility for the decision. Obviously, when they get around to talking about a sheriff in that county, they didn't call Detroit to find out what we think they ought to do. They made that decision themselves. It seems to me that they have a right to. Do you think the Kohler Co. was disinterested?

I mean, you know and I know, you get campaign contributions from many big corporations, and from the oil people in Texas. They have a right to support you, and our fellows have a right to support the people they want elected.

(At this point, Senator Ervin withdrew from the hearing room.)

Senator GOLDWATER. Getting back to the food store, you talked about a democratic union, and I haven't found anything to the contrary, except in this one instance where Mr. Mazey forbade the local members from buying food in the store. Is that a democratic process?

Mr. REUTHER. Well, I personally think that the position that Mr. Mazey took represented the position of the local strike committee. I don't know the background, the details, but I will bet you a quarter if you check into it you will find that there were discussions about this at some level with the fellows locally.

You can ask Mr. Graskamp. He was there, whether or not that decision generally was accepted by the members of the strike committee and the local union leadership. I will bet you a quarter that that exactly was their position at the time.

If they had wanted to do it and Mr. Mazey said "You can't and I am dictating it," I would think that that wouldn't be democratic. But I don't think that would be the case. You can ask Mr. Graskamp. He would know. I wouldn't know.

SENATOR GOLDWATER. But you would agree that if they were prohibited—

MR. REUTHER. I do not think that Mr. Mazey would get himself involved in a situation where the local union strike committee that was handling a strike wanted to buy groceries in a certain store, I don't think he would think it so important that he would have a big fight about that.

I will bet you that if you check you will find that the local union strike committee and Mr. Mazey were one mind on this question.

SENATOR GOLDWATER. Well, it was important enough for Mr. Mazey to go on the radio about it.

MR. REUTHER. Well, Mr. Mazey was a bit agitated at the time.

SENATOR GOLDWATER. I realize that. We are trying to help you, Mr. Reuther, so that we hope if another strike like this ever occurs, you will know what is going on down below, you will know a pattern to look for, and you, as the president, who wants to run a clean union, and a democratic union, can make sure that it is that way all the way down the line.

In your prepared statement, on page 25, you referred to laws dealing with the importation of strike breakers across State line. Mr. Mazey has testified that local 212 of the UAW maintained a flying squadron of active unionists who were available for strike duty to assist a local union in the picketing of plants. You were aware of the existence of this flying squadron, I presume, weren't you?

MR. REUTHER. In the earliest days of our union, there were a few local unions that had flying squadrons. But I think you will find that they are practically nonexistent. This was the period, Senator Goldwater, when Detroit was a social jungle. This was when the mayor of the city of Detroit and the commissioner of police were on the payroll of the underworld. As I said yesterday, they went to prison. And when the police department was being used to destroy our union and not protect the rights of people because of the tieup between the City, Hall, the police department and the underworld. In that period, as a matter of self-defense, we had local unions with flying squads, because the police department could not be trusted. The night the Ford gangsters broke into my home, and I was told this, there was a deal between the City Hall, the police department, and Harry Bennett, to have Bennett's gangsters bump me off and dump me in the Detroit River.

We called the police and it took them 1 hour 15 minutes to get to my home, and when they got there, we were afraid to let them in.

It was in that period that we had flying squads, because this was the only protection that we had. I can bring you the headlines of that period, and I can show you that the mayor of the city of Detroit who was supported by the people who opposed us in Detroit in that period, I can show you that Mayor Richard W. Reading went to prison, and Mr. Fromm, the Superintendent of Police went to prison, because they were on the payroll of the underworld. This is why we had flying squads. But that is part of yesterday. Thank God for that. That is a part of a dark and sad and tragic chapter in the history of labor-

management relations. But you wouldn't find one flying squad in a thousand local unions now, because we don't have them and we don't need them.

Senator GOLDWATER. We had testimony here to the effect that you still have flying squadrons, but to be perfectly honest with you although these members admitted being members of the flying squadron, they didn't know what the flying squadron was supposed to do.

Mr. REUTHER. Other than local 212, which local union has an active flying squadron?

Senator GOLDWATER. They still have one.

Mr. REUTHER. It is the only local. It isn't active. The point is they still have a name out there. It isn't active, because the period of our history when we needed to be protected by ourselves is past, in Detroit. The Detroit Police Department is a clean department, it is performing the functions for which it was created. The City Hall is clean. That was not the case when the Superintendent of Police and the mayor both go to prison because they are on the payroll of the underworld.

These are the facts of life. This is the period that we came out of. This is the period when we were beaten up and pushed around and the police department instead of maintaining law and order was used as a weapon to destroy our union.

Senator GOLDWATER. But local 212 still has a flying squadron?

Mr. REUTHER. I think they have one in name but not in fact. It is not active.

Senator GOLDWATER. Mr. Mazey testified that he suggested to the president of local 212 that help be sent to Kohler, and four members were sent over. I take it from your statement that you approve of the law prohibiting strike breakers from being sent across State lines?

Mr. REUTHER. I do.

Senator GOLDWATER. Don't you think the law also ought to prohibit flying squadrons of unionists being sent across State lines?

Mr. REUTHER. Well, I don't think in this case, when local 212 sent four people up to Wisconsin, that that was a flying squadron. I said yesterday, Senator Goldwater, and I am very happy to repeat it now, I think that where the local union sent people, I think their motivations were right, they were worried about their own jobs, they were losing jobs because of the unfair competition of the Kohler Co., paying lower wages, et cetera, I think it was perfectly understandable that they wanted to help out the Kohler workers because they were doing work comparable to what the Briggs workers were doing.

I said yesterday that I think the union did not provide sufficient affirmative leadership to these people. They weren't working for the international union.

This is a shortcoming that we have to overcome. I think we have learned from the mistakes that were made in this situation, and we will do everything we can to avoid a repetition in the future.

Senator GOLDWATER. You are aware, I believe, that of the four members of this flying squadron sent, one, Mr. Vincent, has been convicted of assault with intent to do great bodily harm, and another, John Gunaca, is still a fugitive from justice on a similar charge.

Mr. REUTHER. I am aware of that, and yesterday I made it very clear that I think what Mr. Vincent did was reprehensible, it was

most unfortunate, and he did our union a great disservice, and that he should have been punished and he was punished. I can't say it clearer than that, because I don't know how to make it stronger than that.

Senator GOLDWATER. You are also aware, I believe that your international paid for the lawyer fees, bail bonds, and paid Vincent's salary while he was in prison.

Were you aware of that?

Mr. REUTHER. No. I know that the union paid half of a wage equal to what he would have made in the plant, with the local union paying the other half, because we felt that Vincent's family had not made the mistake and that they should not be punished for his mistake.

He made the mistake. He was being punished, but we did not think it would be proper to punish his family. You know, when a member of your family gets in trouble, even though they are wrong, and you feel sad about it, and you regret then what they did, you don't throw them to the wolves, you don't disown them. You try to take care of your family.

Here is a fellow who went up there. What he did was wrong. He shouldn't have done it. He should have been punished. He was punished. But why should his family be punished? They didn't do what was wrong. So we tried to help his family. This is what I think any group would do.

And if this kind of a decision were taken before our convention, there is no question in my mind that the convention, I think unanimously, would say, "Well, this fellow's family didn't do the thing, why should they be penalized," and, therefore, the union did what was proper in helping, in contributing to the support of the family.

That is what we did.

Senator GOLDWATER. In the case of the wife and the family, I agree with you.

But do you feel it proper, in view of your statement that you disagree with what Mr. Vincent did, that you felt he was tried justly, that the international should have paid the lawyers' fees, the bail bonds and so forth for this man?

Mr. REUTHER. Senator Goldwater—

Senator GOLDWATER. Isn't that owning a little bit of the responsibility?

Mr. REUTHER. The point is that if Mr. Vincent, on his own decision, had gone to the Kohler strike and gotten into trouble, then the union, I think, would have had no obligation to help him in his legal defense. But since he went there on the request of a subordinate body of our union, we felt an organizational and moral obligation to help him out, even though he was wrong. This is exactly what you would do with a member of your family. Even though they were wrong, you would try to help them. You would want them to be punished for their wrongdoing, but you would help them in their difficulty.

If, especially, they got in trouble based upon your asking them to do something, even though they did it wrong and made a mistake. This is where we were. If Vincent had gone to Sheboygan on his own volition, we would not have helped him out. But he went there upon the request of the local union. He did wrong, he made a mis-

take. He was punished for his mistake. But we said his family should not be punished, and since he got into difficulty based upon being there upon the union's request, we were obligated to try to help him out, even though he should have been punished. That is that simple.

SENATOR GOLDWATER. Mr. Reuther, you and other officials of your union have, before this committee and publicly, time and again, expressed displeasure with violence, you disassociate yourself with violence. Don't you think it would be a good thing to state to your membership that when a member engages in unjustified violence, that he is on his own?

Don't you think that would help curb it a bit?

MR. REUTHER. Well, I think that if a member just went out of his way looking for trouble, that perhaps you might give consideration to that kind of position. But if he got in trouble in a situation where there were all kinds of factors contributing, and emotionally stirred up and so forth, then I think you would have to look at the thing slightly different. I am in the process of thinking through some of these things, because no one dislikes violence more than I.

As I said yesterday, this is not academic. I have laid on the floor of my own home, in my own blood, and I have had fellows stick a .45 in my stomach and the other fellow says, "Pull the trigger and let's get this over with."

I have lived all through this. I say that violence settles nothing, whether it is in labor-management disputes—it doesn't settle a thing in war. There are always more problems at the end of a war than there are at the beginning, because the problems that created the war are still there and we have some new ones. The same thing is true in labor-management matters. I am opposed to violence. But it isn't so mechanically easy to see to it that every human being acts as though he has wings in a situation where people are provoked and there are irritations and emotionalism.

This is the problem: How do you get people to keep their feet on the ground in a situation when it is easy to take off emotionally. This is our problem.

(At this point, Senator Ervin entered the hearing room.)

SENATOR GOLDWATER. Mr. Reuther, here was a case of a 230-pound, 6-foot-plus man, walking up to a man some 50 years old, 125 pounds, and, as he said, he disclaimed kicking him, he said he broke his ribs with his fists and knocked him down. The reason I asked you that question before is if Mr. Vincent had been told that it was union policy to take care of union members who became engaged in violence, we will say, in pursuit of their duty, or in protecting themselves, but they would not be supported if they acted as he did, don't you think Mr. Vincent might have stopped and thought, "I better not do this"?

MR. REUTHER. Well, he had no assurance if he went out and just looked for trouble that we would support him. Nobody gave him that assurance in advance. So he wasn't doing these things knowing that he was protected.

SENATOR GOLDWATER. But the fact is that he did receive it, and the example is what I am getting at. In any strike that you might become engaged in in the future, and I hope you don't look back on the acts of violence which you protected in the Kohler strike, a man might feel

that, "Well, my union is going to stand behind me, I am going to start a little morale building of my own and knock a few people down."

If you make it a union policy, I think it might help the situation.

Mr. REUTHER. Well, I certainly think that in a situation where a fellow deliberately and willfully, without provocation, creates an active aggression and violence, that he is wrong and ought to be punished.

Frankly, if the facts were clear in a situation like that, and we didn't have extreme provocation, such as we have had in the Kohler strike, where the whole community has been aroused, I would think under circumstances like that, you could have a policy where a fellow would know very clearly that he would not get support. I couldn't argue about that.

Senator GOLDWATER. To end this particular section of questioning, would you give serious consideration to a policy like that in your future considerations?

Mr. REUTHER. I am willing to give serious consideration to any policy that will discourage and minimize violence, because I am opposed to all forms of violence.

Senator GOLDWATER. You have so stated, and——

Mr. REUTHER. And I hope that the Kohler Co. would do likewise.

Senator GOLDWATER. I hope that you will give consideration to this. My personal feeling is that it might be a deterrent to a desire, a desire very easily built up in situations like this, a desire to create violence.

I hope you will give consideration to it.

Mr. Chairman, that terminates my questioning at the moment. I will have some more later on.

The CHAIRMAN. All right, Senator Goldwater.

Are there any questions on my right?

Senator Ervin.

Senator ERVIN. We have had a good deal of evidence here in respect to the Teamsters and the operating engineers to the effect that they have constitutions which permit the international officers to place local unions in trusteeship or under supervision, and thereby deprive them of the right to elect their own officers and to manage their own financial affairs. I state this as a premise for the purpose of asking whether the constitution of the UAW contains a provision authorizing either the president or the executive board to place local unions in a comparable status?

Mr. REUTHER. Senator Ervin, we have a provision that if a local union is in jeopardy—it could be in jeopardy because the Communists had captured it or the racketeers were threatening to capture it, or maybe the plant was closing and the workers were all being laid off, it was a question of protecting the pension funds and so forth—that the international union, in a situation where the local union is in jeopardy, can have what we call a show-cause hearing, with proper notification. The officers of the local or any member of the local can come before our international executive board, and, by due process, if we can show that the local is in jeopardy, we can place it in administratorship—we call it administratorship in our union, not a trustee—over that local. But if we remove the officers, within 60 days we have

to have a new election. If the problem is such that we may need, say, 5 months to work at it, and the problem is not that the local union officers are not doing a good job, they may not be equal to the job, we can put an administratorship in there and keep it for 5 months to help the local union officers do the job of putting the local union on a sound basis.

But if we remove the officers, then within 60 days the rank and file have a right under our constitution to elect new officers.

Senator ERVIN. In other words, you can't deprive them for more than 60 days of the power to elect their own local officers?

Mr. REUTHER. That is correct. And if we put an administratorship in a local union, and the local felt that we did not have sufficient grounds under the constitution, they could go to our public review board, and the public review board could set aside our decision and give the local its autonomy.

Senator ERVIN. How many locals are affiliated with the UAW?

Mr. REUTHER. Around 1,250.

Senator ERVIN. To what extent does the international exercise authority putting locals under administration?

Mr. REUTHER. Very sparingly. We would not do this excepting where there was a real basis, because we would have no reason to.

If the local union is making progress and its affairs are proper, we wouldn't want to interfere. But the jeopardy in most of our administratorships in the last couple of years have been put in in situations where you might have a large plant, it may have a big war contract, and the Government may cancel the contract and the plant then goes from high employment down to practically nothing. Then you have the whole question that the local has no membership, and yet it has assets and it has responsibilities in terms of pension funds and so forth.

We may have to put administratorship in there so that we can make the transition to protect the equity of all the workers in the pension funds, at a time when the local union as an organization is going out of existence. We would put an administrator in there in order for the lawyers and our social security people to make proper safeguards for the funds and the equities of workers on pension plans and so forth.

We had this specific situation in the case of the Kaiser-Frazer plant in Detroit where they had the Willow Run plant. They consolidated their operations in Toledo at the plant where they make jeeps. We had to put an administratorship in there to make certain that the funds are protected.

We do this very sparingly, and where we remove the officers, within 60 days the rank and file members have the democratic right to elect new officers.

Senator ERVIN. If the local is under administration, how are its delegates to the international convention elected?

Mr. REUTHER. Well, you see, in our constitution, you cannot put a local under administratorship and deny the membership the right to elect the delegates.

If there was a compelling reason in a given local situation to justify, according to due processes of our constitution, to put an administrator over them, and you put that administratorship over the local union 1 week before that local would normally have elected delegates to our convention, they would still elect delegates by the rank and file.

The administrator can never pick the delegates. Only the rank and file, by secret, democratic ballot vote have a right to elect our delegates. This is one of the things that is very sacred in our union. Only the membership elect the delegates. I think at our last convention, I think only 2 officers and maybe 3 staff members were delegates. The rest of our more than 3,000 delegates were members, workers right from the factories.

Senator ERVIN. What proportion of the membership of the—first, as I understand it, there are approximately six corporations which now manufacture all of the automobiles in America.

Mr. REUTHER. There are only 5, Senator. The big 3 manufacture roughly 97 percent of the total domestic production of automobiles, and the 2 independents, Studebaker-Packard and American Motors produce the other 3 percent.

Senator ERVIN. It has been suggested by some that the antitrust laws should be made applicable to unions.

What is your view with respect to that?

Mr. REUTHER. Well, I obviously don't think that that should be done. I think that when you are dealing with corporations, you are dealing with different kinds of legal entities than when you are dealing with unions that are made up essentially of workers who are working together to improve their working conditions.

I think that putting trade unions under antitrust legislation might look like a simple way to solve some problems, but it will not solve the basic problems. The basic problems really have to be solved by finding a way to keep unions democratic, by keeping the membership active. In the final analysis, the membership make a union good or bad.

Senator ERVIN. Of course, antitrust laws are applicable—the Sherman Antitrust Act is now applicable to corporations engaged in manufacture, and, notwithstanding that fact, we have all of the manufacturing of automobiles. I would say monopolized by about 6 different manufacturers, or 5, I believe you said, corporations.

Mr. REUTHER. There is a higher concentration of the total production of this industry in the hands of fewer corporations than is the case in any other important segment of the American economy.

Senator ERVIN. What percentage of the membership of the UAW is engaged in the production of automobiles, roughly speaking?

Mr. REUTHER. This varies, of course, depending. At the moment, there are big layoffs. I would say that in our industry, in our union, about 60 percent of our membership was engaged in the production of automobiles and trucks, and in the production of the parts, supplier plants, about 60 percent, and the balance of the membership of our union would then be divided between the agricultural implement industry, the farm equipment industry, and the aircraft industry. We also have miscellaneous locals, but these three industries are the source of the overwhelming portion of our membership.

(At this point, Senator Mundt entered the hearing room.)

Senator ERVIN. I am a country lawyer, and, frankly, I would like to have everything in the United States small. In other words, I would like to have small manufacturing plants, small businesses, and small unions. I have always been told, though, that for every action there is a corresponding reaction.



I would like to know if it is possible, in your opinion, to expect to have small unions in a country in which the unions are supposed to engage in collective bargaining on behalf of the employees of such companies as the five companies which have a monopoly on the manufacture of automobiles.

Mr. REUTHIER. Senator Ervin, you know, I sometimes philosophically long for a simpler world, too, when the problems of our modern world get so complex that you wish that there could be a simpler way to live. I think that you need to look at it this way: That the size of corporations in our industrial society are dictated primarily by technology, because if you broke the automotive industry up into a hundred companies, and you divided the total production over a hundred companies, you would increase the production of the cost of automobiles tremendously because no company having 1 percent of the total production of this industry could afford the tools that bring about the tremendous efficiency.

This is going to be an increasing problem in our industrial society. How do we equate the efficiencies of a developing technology, automation, the peaceful harnessing of the atom and all of these things, how do we equate the complexity of our industrial system, efficiency that flows from our advancing technology, and still keep it within the framework of the basic values that we all believe in.

(At this point, Senator Kennedy entered the hearing room.)

Mr. REUTHIER. I say that the size of industry is dictated more by technology, because technology determines how you make things.

If you can't afford an automated line to automate engine blocks, if you only make 1 percent of the industry's production, but if you make 30 percent you can afford them, then ultimately you have to make up your mind. Do you want the 30 percent in one company so that they can have automated lines, or do you want the 1 percent so that we make them by hand?

Let me illustrate what this really means. I went to work for the Ford Motor Co. in 1927. They were making the last model T's. When they made the last Model T engine block, which was a very simple engine block, as you recall, they involved tens of thousands of individual workers on individual machine operations, and it took many days from the first machining operation to the final machining operation to complete an engine block.

Then we kept improving that and shortening the time. In 1951, the Ford Motor Co. opened the first fully automated engine machining line at their Cleveland plant, where they machine a V-8 engine block, which is very complex, and from the rough casting to the completely finished machining operation of that complicated V-8 engine, it took 14.6 minutes, not a human hand touched it.

Now, a company that can only make 1 percent of the industry, if you had 100 companies, couldn't own those machines, and the price of a car would cost maybe 4 or 5 times as much.

This is our problem. If technology determines the size of industry, the size of industry determines the size of unions, because a little union couldn't deal with General Motors.

I mean, don't you ever get the idea that General Motors gives us everything that we think we are entitled to just because of the eloquence of some union leader.

Ultimately we have to marshal——

Senator ERVIN. I will concede that I do not entertain the notion that General Motors is an eleemosynary institution as contradistinguished from a business institution. So the problem, it seems to me, that we are faced with in this country is that technology has made business big.

In the old days, for which I suffer a certain amount of nostalgia, we had buggy manufacturers all over the United States, in the horse and buggy days. But if we manufactured automobiles in small plants, I can readily see that the cost of automobiles would be prohibitive.

Mr. REUTHER. That is right.

Senator ERVIN. Now, if we have big business, we have big unions, and we even have big governments. The most serious thing, I think, that confronts the American people at this time is how can we preserve the identity and the liberty of the individual among all of these big things.

Mr. REUTHER. I agree completely. I think that the most challenging problem that we face from within—we all recognize that the Soviet Union and everything that the Communist conspiracy in the world symbolizes is a great threat from without, but I think the greatest threat to America from within is to find a way by which we can equate the tremendous technological progress and the bigness, both industry and labor, how do we equate that so that we don't lose in the shuffle the basic human values of the individual that we all cherish. This is the great philosophical, I think, problem that we all face in America.

Frankly, it is not an easy job. But the thing we need to keep in mind is that finding the answers to the tough problems is the important thing. The little things will take care of themselves. This, I think, is our big problem.

Senator ERVIN. I would like to put to you another question, the same question that I put to Mr. Conger. I am a person who believes in open self-government as far as humanly possible.

I believe that we are safer when we keep a government close at home, so that we can advise it of a fact that we do not like and change it. As a consequence, I would be extremely reluctant to depart from the well-established constitutional doctrine that fundamentally the preservation of all of us, and the suppression and punishment of crimes and violence is a matter for local governments.

I would like to know if you can suggest any practical way, or, rather, whether you can suggest whether or not it is advisable for us to amend this theory and permit the Federal Government to enter into the field of dealing with violence which flares up in industrial disputes on occasions, and as flared up in the matter of the Kohler strike.

(At this point, Senator Kennedy withdrew from the hearing room.)

Mr. REUTHER. Well, I think to begin with, the best assurance that we could have that we could minimize violence is to try to get both labor and management in any given situation to accept their mutual responsibilities by acting in good faith at the bargaining table.

I think that while it is the bad things that get in the headlines, we should not lose sight of the fact that overwhelmingly collective bargaining every day goes on in which labor and management do sit at the bargaining table and do work out their problems without any trouble.

I am very happy that the Kohler strike has only happened once in our union in twenty-some years. We are working things out. I am sitting down now with General Motors and next week with Ford and Chrysler and I have great hopes that we can sit there and work our problems out.

What do we do where they can't be worked out? Well, I think too that government that is closest to the people is the most responsive kind of government, and further removed it gets the less responsive it might be. I believe in that excepting that where you are dealing with matters that you cannot handle on a local basis, because of the nature of the problem, you have to have government at a higher level deal with it.

I just do not think that there are any simple answers to these complex human problems, and I think we have to keep working to try to find better ways to answer them.

Senator ERVIN. I would judge from the statement you have made, that you accept the philosophy that the interests of labor and the interests of management and the interests of stockholders are substantially identical.

Mr. REUTHIER. I think the interests of workers, stockholders, management, consumers, farmers, are all inseparably bound together. I don't think any group, whether it be management or labor, can make progress as a pressure group at the expense of the balance of the community excepting as they will put the whole economy into jeopardy.

That is why I said yesterday, and I don't say this because I think it is clever public relations, I say it because I believe it—I happen to believe that when I sit at the bargaining table with General Motors, where I have a responsibility along with the other leadership of the union to our membership, and Mr. Curtice and the management group in General Motors has a responsibility to the stockholders, that together we have a responsibility to the whole of our country.

How can you have free labor and free management if you can't have free management and free labor working together to keep the country free for everybody?

I agree completely that we are all tied together, and what we need to do is to understand that we have a great deal more in common than we have in conflict.

Senator ERVIN. That is all, Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator MUNDT. Mr. Chairman.

The CHAIRMAN. Senator Mundt, then.

Senator MUNDT. Mr. Reuther, yesterday I asked you some questions in the general field of the area in which you testified, and I said today I wanted to go into some of the specifics with you.

I will turn first to that part of your statement which I applauded greatly where you said in substance and I have the transcript here if I misquote you, which I shall try not to do, but in substance you said that you and the UAW officials were appearing before congressional committees voluntarily and that you would not take the fifth amendment as I believe you implied some other union officials had done.

You pointed out that you were eager as the committee to eliminate

corruption and communism and racketeering and you listed five areas of activity, and you said we will not tolerate in our union communism or corruption.

You said if the members of the committee know where there is anything wrong, we should tell you and you will correct it not tomorrow, but today.

Is that a pretty fair summation of that part of your statement?

Mr. REUTHER. I think so.

Senator MUNDT. And I applaud you for making it. Now I want to relate that to practical aspects of the problem, and it is a very difficult problem in all of these areas, and I certainly agree with what you said yesterday that you can't just take these theories and operate on them in a vacuum and you have to test how they operate in practical life.

So I want to first of all ask you whether in your opinion you have done everything that it is possible for you to do in your capacity to stamp communism out of the leadership echelons of your union.

I don't think that you can stamp it out of every card-carrying union member, but in the leadership echelons where you do have responsibilities whether you feel that you have done as well as you can do with the authorities you have.

Mr. REUTHER. Senator Mundt, I think I can say in all good conscience that operating within the democratic structure of our union, with respect for due process, and the basic rights of individuals, I think we have done everything we can to see that Communist influence is removed from the leadership of our union. We do not say that there might not be somewhere an isolated Communist.

But this is our problem: Unless you have been a member of the Communist Party and you sat in Communist meetings with people, you don't know from your own personal knowledge that a person is a Communist. So in our kind of union, in our kind of union, sir, in which we respect the democratic processes and the rights of the individuals, you have no basis for moving against a person unless you have some substantial evidence.

Senator MUNDT. I think that is correct.

Mr. REUTHER. There may be a few people in our union concerning whom I have feelings, and I tell you that that is truthful. There probably could maybe be a few people here and there that I have my doubts about.

Senator MUNDT. Suspicious?

Mr. REUTHER. That is right, but I have no right to substitute my feeling or my suspicion for the law of our union, and say, "Well, I just have a hunch that you are not clean and that you do have connections, and I can't prove it, but we will chop your head off anyhow because I have got a hunch."

Senator MUNDT. I agree with that, of course, and we all agree with that.

Mr. REUTHER. With that qualification, I say to you, to the best of my knowledge, we have moved to rid people from our leadership whom we knew in accordance with our constitution were Communists.

Senator MUNDT. That is good, and I want you to tell us then how you have moved and I want to discuss a few cases which are certainly not hunches or based on suspicions, but are based on sworn testimony.

I hope that you can show us how you have done this, because it may help other union leaders to eliminate problems, and it may help to cut a pattern for reducing Communist influence in this country.

I have in my hand the hearings of the Senate judiciary subcommittee, known as the Committee on Internal Security, which held hearings just a little less than a year ago, May 14, 23, and 28 of 1957.

I want to call your attention to a few cases involving UAW officials.

The first of whom is Mr. Walter Dorosh, Dearborn, Mich., who appeared before the committee on May 14. The committee members and the counsel pointed out to Mr. Dorosh that they had had sworn testimony before their committee that Mr. Dorosh was a member of the Communist Party.

So under oath, I will read you the full statement, the counsel for the committee, Mr. Morris, said:

Now, Mr. Chairman, we have had sworn testimony that the witness here today has been at least in the past a member of the Communist Party. I would like to ask you, Mr. Dorosh, have you been a member of the Communist Party.

MR. DOROSH. I refuse to answer that question under the privileges granted me by the fifth amendment.

MR. MORRIS. Are you now a member of the Communist Party?

And I want to emphasize that because I suspect that we can all agree in this room that simply because a man sometime has been a member of the Communist Party does not necessarily mean that he is eternally condemned.

We have had some great reformatations in this country, and we have had some great assistance in the protection of our security from former Communists, and I was a member of the House Committee on Un-American Activities and we used to have a name for them, and we called them bols.

They went out like a boomerang and came back, and did some good. So we don't condemn them necessarily because at one time they were, if they have left the party, and have publicly renounced it and have joined the fighting forces of freedom.

But this question was:

Are you now a member of the Communist Party?

MR. DOROSH. I refuse to answer that question under the fifth amendment.

Now that, of course, in itself was a violation of the fine standards that you set up before our committee when you said the UAW does not take the fifth. But it is more serious than that, because this involves a man against whom there is sworn testimony, as to his communism and he was given an opportunity to renounce it and he took recourse in the fifth amendment and I hope that you can tell us how the UAW has acted to safeguard your members against that kind of leadership.

From a fifth amendment American at best, and perhaps an active Communist.

MR. REUTHER. Senator Mundt, I should be most happy to talk about that with you. You asked me how did we beat the Communists, and you would like that information.

Senator MUNDT. I asked you what you did about getting rid of Mr. Dorosh or controlling him or something.

Mr. REUTHER. First you asked me how we beat the Communists, and you said that you ought to get that information around, and I would like——

Senator MUNDT. You can answer that question first, how you fight the Communists.

Mr. REUTHER. That is right.

Senator MUNDT. Very good and then we will come back to Mr. Dorosh.

Mr. REUTHER. There is only one way to beat the Communists, and the thing you must always remember is that the Communists are never beat for keeps. You can't beat them in the local union and say, "Now we have done that job and we can forget about it." This is a matter of eternal vigilance, because the Communists keep coming back.

And the only way you can beat the Communists in America in the trade union movement, and in the world, is to make democracy work. We have beaten the Communists by making democracy work, and by mobilizing the decent and honest rank-and-file members of our union at every level of our union, by outworking the Communists, and by outvoting them, and by coming early and staying late.

I outlined that, how we beat the Communists in our union, because I think it might help other people who have this problem, and I would like, Mr. Chairman, if I might not put into the record in response to Senator Mundt's question, how we fought the Communists, the article that I prepared for Collier's magazine, some years back, in which we outlined exactly how we beat the Communists.

The CHAIRMAN. That may be made Exhibit No. 131.

(Document referred to was marked "Exhibit No. 131," for reference, and may be found in the files of the Select Committee.)

Mr. REUTHER. Now, with respect to your question——

Senator MUNDT. To come back to my specific question about Mr. Dorosh, because as you have said and I could not agree with you more, these good theories about labor management and these good theories about labor in a vacuum are no good, we have got to apply them to problems.

We have a problem here and what did you do?

Mr. REUTHER. You talk about Mr. Dorosh, there are a number of other people involved in the situation you are talking about and let us lay it all on top of the table so we will save your time.

Senator MUNDT. Possibly so.

Mr. REUTHER. There are two groups involved, one group of people at the local level, and one group of people at the international level who were international representatives. Now, our constitution is very clear. I would like to refer to that before I get into the specific question of the people you mentioned.

Article 10 of the UAW constitution, section 7, reads as follows, and I quote:

No member of any local union, located in the United States of America, or Canada, shall be eligible to hold any elective or appointive position in this international union or any local union in this international union, if he is a member of any organization which is declared illegal by the Government of the United States of America, or Canada, through constitutional procedure.

SECTION 8: No member of any local union shall be eligible to hold any elective or appointive position in this international union or any local union in this international union if he is a member of or subservient to any political organization, such as the Communist, Fascist, or Nazi organization which owes

its allegiance to any government other than the United States or Canada, directly or indirectly.

SECTION 9: No member of any local union shall be eligible to hold any elective or appointive position in the international union, or any local union, if he is affirmatively engaged in the promotion, implementation, furtherance, or support of organized in-plant rackets, such as numbers, bookmaking, and so on.

SECTION 10: The acceptance of an elective or appointive office or position or of nomination to an elective office or position by any member who is ineligible under section 7, 8, or 9 of this article is an offense against the union punishable by a penalty up to and including expulsion.

Senator MUNDT. The second section you read I think is the one that is pertinent to this case.

Mr. REUTHER. That is right. We are dealing here with a case of alleged Communist Party membership.

Senator MUNDT. That is right.

Mr. REUTHER. As I said to you, before, I have my own personal feelings.

Senator MUNDT. We are dealing with Mr. Dorosh.

Mr. REUTHER. That is right. Now Mr. Dorosh is not an international representative, he is a local union official, or minor local union official.

Senator MUNDT. But he comes under section 2 of the constitution?

Mr. REUTHER. That is right. There were several other people in that same group as there were five international representatives who were called before the Internal Security Committee. When this matter came up, we had a policy question to consider, and I sat down with my colleagues in the leadership of our union, because we were concerned about this.

I said:

Do we have any facts that can form the basis within the democratic procedures of our constitution—do we have any tangible evidence that we could use to move against any of the people in question?

I was advised after careful check that we did not have any substantial evidence or anything that we could base action by the union to implement this section of the constitution.

I then said:

Well, the constitution does not talk about the fifth amendment or any other constitutional procedures.

Senator MUNDT. You told us that you don't believe in taking the fifth amendment.

Mr. REUTHER. That is a matter of union policy and it is not in the constitution.

Senator MUNDT. This is a top union man that we are now talking about.

Mr. REUTHER. But I thought that no officer of our union at the international level or at the local level, or any international representative of our union ought to be able to hide behind the fifth amendment or any other constitutional privilege as it related to himself. We did not want him to say, "Well, I refuse to answer it on the ground of the fifth amendment."

Now, we sat down, the leadership, and we discussed this. It was not an easy decision to make, because we were really trying to say in effect, "Here is a standard of personal conduct not spelled out in our constitution."

Senator MUNDT. May I interpolate, at the time you sat down, was this following this meeting in May, that we have been talking about?

Mr. REUTHER. You mean before these people were called before the Internal Security Committee?

Senator MUNDT. That is correct, May a year ago. I am trying to find out whether you sat down to deal with this specific problem or whether this is something that you had worked out before?

Mr. REUTHER. If you will pardon me, I would like to ask a member of my staff to help me refresh my memory.

(The witness consulted with his staff.)

Mr. REUTHER. We could check this because this is all a matter of record, but following the discussion of this matter between the officers of the international union, we sent or I sent over my signature what we called administrative letter to all local unions, and to all international representatives in which we outlined this policy.

This was in April, in advance of this, and it came about because of the unsavory conduct of certain people before this committee and this whole question of the fifth amendment.

We felt that in our union there are no secrets, and everybody ought to be willing to talk. So this letter went out. These people then were taken down and were called down before the Internal Security Committee, two groups of people, people at the local level and five people at the international level.

Now obviously, I felt that I had more authority with respect to international representatives because under the constitution I appointed them subject to the approval of the executive board.

Local officers, I did not have any responsibility for in a sense of choosing them, because they were chosen by the membership.

So I made it very clear to the five international representatives that that if they refused to testify about their own persons, they would be removed from the payroll.

They went before the committee and I think the record will show that none of them used the fifth amendment. None of the international representatives used the fifth amendment.

Now when this was all behind us, both the local people and the international, since it was all in one package before the committee, I sat down and read the transcripts and I said, and Mr. Rauh came in, and he is a great champion of civil rights, and I said, "I am not satisfied with certain of these international representatives, they did not testify as fully and as freely as I think that they should have in certain areas, and I am not satisfied."

And until they satisfied me, I am going to move against them and remove them from the payroll.

Based upon that they were called in, and they were entitled to sit down and they have rights too, and they talked this thing through, and based upon that conversation they were obligated to submit further signed and notarized affidavits clearing up these areas. Now, what were the areas?

I took the position and this position became the official policy of our union because it was concurred in by the executive board of our union, and it was so outlined in this administrative letter, that while the constitution of our union does not spell out this question of the use of a constitutional privilege, I felt that no one working for this union who technically is under my supervision and direction because



I am the head officer of this union, should be permitted to stay on the payroll of this union unless he was prepared to testify fully about himself and his own activities.

I said, "If they ask you were you a member of the Communist Party," and you said, "I won't answer that," well I don't know how long it would take but as quick as we can do it, that fellow would be off the payroll. If he were an officer, I would instigate charges against him under the constitution of our union.

I said, "However, I make this distinction: If you testify fully about your person, all of the activities that you were engaged in, and if you were a member of the Communist Party," and I think we maybe have eight people who were former Communists on our staff, but they are on our staff only after they demonstrated that they were willing to fight the Communists, and we got most of them from two unions that were dominated by the Communists whom we helped break up, and they came over with the membership only after they had proven their anticommunism, I said, "You have got to testify freely about yourself.

"If they ask you about a party functionary, you have got to testify about that party functionary. If they ask you about a person whom you believe is still in the party, you have got to testify about that person.

"But if they ask you about some fellow who was hungry back in 1932 and couldn't get a job, and he joined the party, and he quit 15 or 18 years ago, whose name has never been in the paper and his kids are in college and they are living respectable, useful lives, you don't have to smear that fellow because that won't help fight communism."

Senator MUNDT. What do you do about the fellow who quits the party on the way into the committee room? We have had a lot of them to do that. What do you do with them, when he says, "I am not now a member of the party," and you say, "Were you a member," and he says, "I refuse to testify."

What do you do about the fellow who quits on the way to the committee room? That is a very real problem.

Mr. REUTHER. Let me answer that. If the fellow who worked for our union came over under circumstances where we thought he had broken with the party, and he really had sought them, and he came in here and he said, "I quit yesterday," I say to you that he would be removed from our payroll as quickly as that physically could be done.

We wouldn't have him for 1 minute.

Senator MUNDT. That wasn't my question. You are applying and rightfully so, while I was over in the Un-American Activities case, what we called the litmus-paper test of a fellow's actual cleavage from the party, the fellow that we felt and I feel now who can look you in the eye and testify under oath and he says, "I have quit the Communist Party, and I used to belong, but I am a good American now."

We think he has some responsibilities as an American citizen, to do what you have been talking about, to talk about the political functionaries, and I was glad to see you felt he had, too.

We feel he has a responsibility to help clean up the mess he has helped create, and apparently you do, too.

My question was, what do you do with the fellow who says to you, "I have quit the party, and I will talk about these functionaries who are now members of the party, but I won't tell you whether or not Joe Smith—although I know he is a Communist"—if Joe Smith happens to be a fellow who quit yesterday, and you said 12 or 15 years ago, and I concur in that and a lot of people make mistakes and correct them, but the fellow who quits very recently after all we have learned now about the Communist Party, you have to have a lingering suspicion about him?

I think that your man who quits and makes good, and there are some of those, has a responsibility to at least indicate who they are and identify them when he knows, so we can check him out.

Would you agree?

Mr. REUTHER. I agree, Senator Mundt. This is precisely why, when I read the testimony of several of these international representatives, I said they didn't testify fully enough.

I don't want anybody to be made an informer to hurt some innocent fellow who 15 years ago got out of the party and he related he was wrong and is living a useful life, and he is a loyal American, and why smear his kids and why make it difficult for his kids.

I said you can say, "I don't want to do that," but anybody who still is in the party and has been active and if he quit yesterday, as far as I am concerned he is still in the party because this was a maneuver.

I said you have got to testify about those kind of people. This is where we then had further affidavits because I wasn't satisfied with their first testimony.

Now, let me find what we did. These cases were all processed.

Senator MUNDT. You are talking about the international representatives?

Mr. REUTHER. The international representatives.

Senator MUNDT. Let us stick to the international representatives because they are different, and let us keep them in separate categories and finish off the international representatives and then we will come to the others.

Mr. REUTHER. There were five international representatives, all of whom came from the former Communist controlled and dominated Farm Equipment Workers Union.

We kept working, and we finally broke that union up and we have got the membership over, and when we did that, what was happening was this: There were certain staff people in there who had former Communist affiliation and they don't deny that, and we knew that, and I worked this one over, and worked it over, and it was with great reluctance I can tell you, because I was on the receiving end of some of the stuff that these fellows did when we were fighting them, but after we were convinced that these fellows had broken with the Communists, not by saying, "I broke with the party," but who went out and fought them and really demonstrated their anticommunism, and they helped break up the Communist-dominated unions, their membership asked that we give them a staff post because of their contribution that they had made in this anti-Communist effort to break up FEW.

Now, this is where these five people came in. We knew that they were former Communists, but we took them in only after they had demonstrated they had broken with the party, by deeds and not by words.

Now, obviously, if we are going to fight the Communists, we want to win people away from them, isolate them, and isolate them until they have nobody left. That is the way to beat them.

Now, when they testified, none of them used the fifth amendment, not one of these fellows used the fifth amendment. They testified fully about their own former membership, and they testified about the people who fall into the category of being functionaries and so forth. But they refused to talk about the little innocent guy who really is not the problem.

After this was done, I went over this, and I said, "I don't think you talked enough in this area, and I want far more," and they filed the affidavits.

After that was over, we then had the special meeting of our executive board, and we went over this whole proceedings and we dug deeper and deeper and deeper, and we said, "Is there any basis for our taking action against these fellows? Are they on the payroll contrary to the constitution? Are they on the payroll contrary to the ethical codes of the AFL-CIO?"

We said, "Well, we can't find any evidence to substantiate that conclusion, but nevertheless we want to be sure. Maybe we aren't looking at the thing as objectively as we should. Why don't we have the public review board look at it."

(At this point, the following members were present: Senators McClellan, Ervin, McNamara, Kennedy, Mundt, Curtis, and Goldwater.)

"Why don't we have the public review board look at it?" So under the constitution, we had a right to refer this to the public review board. We did. The public review board met, the whole board, the seven members of the board met. They went over this case. After they went over the case, they made a decision, and here is what they said, and I now read from the public review board's decision.

I would like to put this into the record, Mr. Chairman, a short document, which is the findings and the decisions of the public review board with respect to the five international representatives that Senator Mundt is talking about.

The CHAIRMAN. It may be made exhibit No. 132, for reference.

(The document referred to was marked "Exhibit No. 132" for reference, and may be found in the files of the select committee.)

Mr. REUTHER. I will just read the conclusion, if I may.

Here is the conclusion of the committee.

The CHAIRMAN. That is the review committee?

Mr. REUTHER. The public review board. Mind you, the public review board has the constitutional authority to say to our union, "This fellow has no right to be on your payroll. He is not in compliance with the ethical codes or the constitution," or any 1 of the other 5 people.

Here is what they found:

After careful scrutiny of these materials—

and they talk about the proceedings of the Internal Security Committee and all the other information, and the minutes of the executive board dealing with this—

After careful scrutiny of these materials and in the absence of other evidence or information, we are unable to say that the actions of the international executive board with regard to these individuals has not been consistent in the spirit as well as in the letter with the A. F. of L.-CIO ethical practices code.

There is nothing in the said code nor in the international constitution barring former Communists from office. The five individuals in question have convinced the governing board of the UAW that they are not presently disqualified from office under the provisions against Communists.

There is nothing before us that would justify a finding to the contrary.

In other words, we went into this very carefully, because I can assure you, Senator Mundt, that I am extremely sensitive about this question of communism. I have spent 18 or 20 years fighting these people. We sent it to the public review board and they in turn went over it, and they concluded that there is nothing, that there is nothing that would justify our moving against these people, both with respect to the constitution and with the ethical codes of the A. F. of L.-CIO.

(At this point, Senator Goldwater withdrew from the hearing room.)

Senator MUNDT. So much for the international reps. My question did not lead with them, but I am glad to have that information. I was going to ask you something about it. Now we have discussed what you did with the people that did not take the fifth amendment. Now I want to know what you did with the people who did take the fifth amendment, so we are back to Mr. Dorosh. What did you do about Mr. Dorosh?

Mr. REUTHER. With respect to the local union people, we notified each of the local unions where these people held their respective membership, and we told them that they had to immediately take steps to see to it that the constitution of our union was implemented as it related to this.

Senator MUNDT. In this case, you notified Local 600?

Mr. REUTHER. Well, Local 600, Local 3—

Senator MUNDT. Did he belong to Local 3, too?

Mr. REUTHER. No.

Senator MUNDT. Let's stick to Mr. Dorosh.

Mr. REUTHER. Mr. Dorosh was Local 600.

Senator MUNDT. You notified Local 600?

Mr. REUTHER. That is correct.

Senator MUNDT. What did you tell them?

Mr. REUTHER. We said that these people, in this case Walter Dorosh, was called before the committee in Washington, and that we direct the local union to take immediate steps to see to it that any question of whether Mr. Dorosh properly can be a local officer—he really wasn't a local officer, he was a unit officer in the local—that they were obligated immediately to take action to see that he was in compliance, and, if he was, they should find that, and, if he wasn't, then he should be removed under the provisions of the constitution.

Senator MUNDT. What happened?

Mr. REUTHER. Well, in this case, I am not certain, but I think his unit, since he was a unit officer and not a local officer, his unit held a meeting and they did take steps, they did have a hearing, and they found that he was not in violation of the constitution.

Senator MUNDT. On what basis?

Mr. REUTHER. I beg your pardon?

Senator MUNDT. On what basis?

(As this point, Senator Ervin withdrew from the hearing room.)

Mr. REUTHER. Well, they found that he was not a Communist.

Senator MUNDT. On what basis? The Senate committee couldn't find that out. He took the fifth amendment before them.

Mr. REUTHER. I am told that he didn't take the fifth amendment either.

Senator MUNDT. Well, I will read it to you.

Mr. REUTHER. He took it in front of the——

Senator MUNDT (reading) :

I would like to ask you, Mr. Dorosh, have you been a member of the Communist Party?

Mr. DOROSH. I refuse to answer that question under the privilege granted me by the fifth amendment.

Mr. MORRIS. Are you now a member of the Communist Party?

Mr. DOROSH. I refuse to answer that question under the fifth.

That is about as completely as Dave Beck can take the fifth amendment. That is taken.

Mr. REUTHER. You are absolutely right about that. I didn't know the details of the local people, but I did know the details of the international rep.

Senator MUNDT. You were right about the international rep.

Mr. REUTHER. None of them took the fifth amendment. That is correct.

Senator MUNDT. All of these I am going to mention, or whatever I do mention about locals, did take the fifth.

Mr. REUTHER. Yes; I think that is the fifth.

Senator MUNDT. I would like to go back to Local 600.

Mr. REUTHER. All right. So we had this problem. You see, if the constitution said that taking the fifth amendment would disqualify you, then I could have moved. But I was operating within a policy that we had initiated. It was not in the constitution. This was a policy, a procedural matter. So we kicked this one around and we talked to our lawyers, and we said, "Now, how do we move on this on a basis that we do not do violence to established democratic procedures?"

So we felt that the local union should be obligated to review this, and at the point the local unions reviewed it and did not do what we thought was sufficient to terminate the case, we then referred all of these cases to the public review board.

In other words, we wanted the public review board to review these. This is a very difficult area. In the case of Local 600, we have had problems there in the past. We put that local under administratorship. We removed five people from office; calls we thought we could prove that they were Communists. Four of them have been disbarred.

They are still disbarred from holding office.

But the whole problem, Senator Mundt, is that I have no right to move because I have a hunch.

Senator MUNDT. You have more than a hunch here. You have some pretty good evidence right here, which you yourself recognize, because very commendably you said you led a motion in your executive committee insofar as international reps were concerned taking the fifth amendment was out.

You wanted them to come clean as good Americans.

Mr. REUTHER. There I had authority.

Senator MUNDT. Yes; you had the authority. But you recognize that there was something more than a hunch involved in Mr. Dorosh.

Mr. REUTHER. In the case of a local union officer, in this case a unit officer of a local union, I do not have the same constitutional authority that I do have with an international representative.

Senator MUNDT. That is right. But you have a different constitutional authority, which we discussed yesterday.

Mr. REUTHER. What we did in this case—

The CHAIRMAN. May the Chair interrupt and suggest that as early as you can, you reach a point so that we can discontinue? We will recess for lunch.

Mr. REUTHER. I would like to put this into the record, because this is what happened to these cases. If we had just said "O. K., the local unions found these fellows qualified and, therefore, taking the fifth amendment didn't matter," and let it drop there, then I think we would have been derelict. But since we were trying to handle this in an area where the constitution of our union did not define that taking the fifth amendment as such would disqualify a person, and the local union found that it didn't, we then, the executive board of the international union then directed that all of these cases go to the public review board.

I would like to submit, Mr. Chairman, the decision of the public review board on these cases, and read their conclusion, if I might, and then maybe we can dispose of this point before recess.

Senator MUNDT. That isn't going to dispose of it, but you certainly may read it.

Mr. REUTHER. I mean until we recess.

The CHAIRMAN. Do you wish to make that document an exhibit?

Mr. REUTHER. Yes.

The CHAIRMAN. That will be made exhibit No. 133, for reference.

(The document referred to was marked "Exhibit No. 133" for reference and may be found in the files of the select committee.)

The CHAIRMAN. You may quote from that if you desire.

Mr. REUTHER. I would like to read:

The issue thus referred to the public review board is defined as follows in the letter of transmittal from the international executive board accompanying the five cases.

You see, we were hanging this case not on our constitution, because our constitution was cited, but upon the ethical practices code of the AFL-CIO.

It says here:

The issue thus referred to the public review board is defined as follows in the letter of transmittal from the international executive board accompanying the five cases: "It would seem that the primary question is whether each of the local unions in implementing the June 3, 1957, administrative letter, conducted an inquiry and reached a conclusion consistent with the spirit as well as the letter of the AFL-CIO Ethical Code No. 3."

This was the basis for our asking the public review board to review this, because it was not covered by constitution. It was covered by our approval of the ethical codes of the AFL-CIO.

Then the public review board findings continue, and I quote:

In reviewing these cases, the public review board has before it the following materials submitted by the international executive board: The complete testimony of each of the five individuals before the Senate subcommittee, the records of the local executive board proceedings, and the local union membership ratification, and a transcript of the international executive board's action in

referring these cases to the public review board. On the basis of a careful consideration of the foregoing, and in the absence of other evidence or information, we are unable to say that the inquiries conducted and the conclusions reached were not consistent with the spirit as well as the letter of the AFL-CIO Ethical Practices Code No. 3.

In so disposing of these matters, we deem it important to point out that these cases are not really controversies in the form in which they have come to the board.

The local officers were acquitted before the local tribunals. There were, as a consequence, no appeals from the local determination. The presentation to the board has been accordingly nonadversary in nature.

This is what they concluded. These 7 public-spirited citizens—3 clergymen, 2 judges, and 2 people from the universities—went over all the documents, and in their judgment, not in my judgment because I didn't pass upon the local cases—we sent them to the public review board. I passed upon the international reps—in their judgment, they felt that the union had no basis to move against these people within the letter and the spirit of the AFL-CIO Ethical Practice Code.

If you want to dispute them, you have that privilege. But we are bound by their decision under our constitution.

Senator MUNDT. I would like to ask you a question now which you can answer either yes or no, and then we can adjourn for lunch and come back to it.

I hope you will answer it either yes or no, and it would button up this part. You have said throughout, and I recognize it as a problem, that you have a more direct authority to move against the international reps than you have against locals, and that you have a more direct authority to move against locals concerning actual Communists where you have developed sufficient evidence to prove it, and you have the fifth amendment, but your problem is that the constitution takes no action against the fifth amendment; my question is very simple:

Would you favor an amendment to your constitution which would tend to establish there the fact that you consider taking the fifth amendment on these personal questions?

Mr. REUTHER. Personally, I would. Personally, I am not sure that our organization would. Personally, I do not think that anybody ought to be an officer of any union at any level who has to hide behind the fifth amendment. That is my personal position.

Senator MUNDT. Yes. Would you favor it to the point that you would be willing to use your very considerable powers as an advocate to encourage its adoption?

Mr. REUTHER. Well, I am for doing whatever I can to meet the problem of subversion, but I want to meet it within the framework of the democratic concepts that make this country great. I can say to you that if one international representative uses the fifth amendment, he will get off the payroll in a hurry. But I don't have that kind of authority over local officers, and I am not going to abuse my authority.

Senator MUNDT. That is right. My question was: Since you favor including that kind of provision in the constitution, whether you favored it passively or do you favor it sufficiently so that you would be willing to use your very considerable powers as an advocate to recommend it to your convention?

Mr. REUTHER. I favor very few things passively, Senator Mundt.

Senator MUNDT. I am sure that is right. But that still doesn't answer my question.

Mr. REUTHER. I am aware of that. The point is that I think that the problem that bothers me—if you said to me, “Are you in favor of a constitutional provision that no international officer, no international representative, shall use the fifth amendment,” I will say yes, I will work to get that.

At the local level, I am just reluctant—how far do I reach into the locals and substitute my authority for their judgment?

This is the whole problem of democracy.

Senator MUNDT. This as you said yesterday—

Mr. REUTHER. At the international level, the answer is yes.

Senator MUNDT. The problem is real and very important, and I think you and I agree there is no problem more important than communism. You said that in your constitution you provide, and I think wisely, for this administrative procedure, so that you recognize that in a real problem you would have that authority. I would like to have you take this final step which plugs up this big loophole, which, by your own testimony, makes it difficult at least for you to do something about a local situation with respect to the fifth amendment.

Mr. REUTHER. With respect to international officers, with respect to international representatives, I would favor such a provision in our constitution on the fifth amendment. With respect to the local unions, I have to think that one through, because I don't want to do anything which begins to erode the democratic rights and the autonomy of local unions. I think that is why we have a good union, because we have a democratic union.

Senator MUNDT. Would you go this far—

Mr. REUTHER. We licked the Communists and still preserved democracy.

Senator MUNDT. None of us have licked the Communists yet, but we are still working.

Mr. REUTHER. Our union did. If they didn't have any more influence than they have in our union, we could cut our military aid and foreign aid and relax, because they have no influence in our unions.

Senator MUNDT. That depends. In our system of government you can have mighty fine people at the top, but if you have the wrong people in charge of the local situation, it is not good.

Mr. REUTHER. The Commies have been fighting me politically for years, and they haven't done too well.

Senator MUNDT. I am not arguing about that.

Mr. REUTHER. It proves they haven't any influence in our union.

Senator MUNDT. I want to give you this mechanism, if I can, to give you another tool to fight the Communists at a local level. It would seem to me, at least to this extent, you might decide to become an ardent advocate of a constitutional amendment—

Mr. REUTHER. At the international level, I have already said.

Senator MUNDT. At the local level. To this extent, I think you should go along, that you should be willing to amend your constitution on this fifth amendment matter to the point that taking the fifth amendment by local officials should be sufficient, at least, to establish an administratorship, where you could then come in and watch this fellow and stick with it until you make a determination, and if you



find he is innocent, pull out your administratorship, and if you find he is guilty, certainly he should be removed.

Mr. REUTHER. I say at the international level. I am prepared to do it at the local level. I still say maybe the risk is too great. I am unwilling to destroy democracy in order to fight communism.

I think the most effective way to destroy communism is to make democracy stronger.

Senator MUNDT. We are never going to make democracy strong or make democracy work with communism. That is what I want to state.

Mr. REUTHER. I say if the Communists have no more influence in the world than they have in our union, we would be over that problem.

Senator MUNDT. I think we can pick this up after lunch, Mr. Chairman.

The CHAIRMAN. We will recess for lunch.

The hearing will resume at 2 o'clock.

(Whereupon, at 12:25 a recess was taken until 2 p. m. of the same day, with the following members present: Senators McClellan, Mundt, Curtis, and McNamara.)

#### AFTERNOON SESSION

(At the reconvening of the session the following members were present: Senators McClellan, McNamara, Kennedy, Curtis, Goldwater, and Mundt.)

The CHAIRMAN. The committee will come to order.

#### TESTIMONY OF WALTER P. REUTHER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Thank you, Mr. Chairman.

We left off for lunch when discussing Mr. Dorosh in Local Union No. 600 and what can be done about it.

At lunch time, Mr. Dorosh was still a member of the official family of union number 600, and we hadn't found a way to get him out, although we had agreed pretty well, I think, the witness and I, that union officials taking the fifth amendment on evidence that they have that they are members of the Communist Party, is cause for them not to continue to serve as a union official, Mr. Reuther had said that as far as UAW reps are concerned, he took direct action. That leaves the problem unsolved: What do we do about a case like Mr. Dorosh, what do we do about this local official? Through the lunch hour, I tried to rephrase my proposed amendment that I am trying to get you to advocate, Mr. Reuther. I would like to read it to you now and see whether perhaps this might be a halfway house on which we could agree.

I think there is merit in what you say, that we shouldn't load into the office of the international president, complete dictatorial authority over a local union. I think that would be full of peril, no matter who the international official was. I think it runs contrary to our whole concept of the separation of powers of government.

But wouldn't this be an answer to this kind of problem, and it is a very real problem, and I think you sense it, to say that since you have no power to act directly, the constitution is silent on the subject, to provide that the taking of the fifth amendment by a local union official before a court of law or a congressional committee or a grand jury, dealing on these instant problems, would be sufficient ground to justify the creation of an administratorship over that local union, that would put it directly in your hands until the problem were resolved one way or another?

Mr. REUTHER. Senator Mundt, I do not think that that would solve your problem, because supposing that under our constitution we put an administratorship over a local that had an officer in the category that you are describing and we removed him.

Under the administratorship, 60 days later we would be obligated by the constitution to permit the membership to again exercise their democratic prerogatives to elect new local leadership.

Supposing they elected him again?

Senator MUNDT. Five days, or, I would prefer 24 hours after that, under this new authority in the constitution, you would reinstitute your administratorship.

Mr. REUTHER. Well, it seems to me that that really would just create chaos. We would be in a continuous rotation, administratorship for 60 days, a new election, a 5-day interval, another 60 days. It would seem to me that what we have to do is to try to find a way to get sufficient evidence so that by due process we can prove this fellow unworthy of holding local union leadership.

You see, the waves of democracy are difficult, sometimes, in a totalitarian state or in a dictatorial organization, somebody on top just makes a decision and somebody's head rolls.

I would rather have a few people causing us a little bit of trouble than to destroy the democratic rights of every one. And I say that just putting an administratorship, this would require a constitutional change in our union to do it, to begin with, but I don't think it is the answer.

Senator MUNDT. No, I think not. I think you said yesterday, and I asked you the question specifically whether you had the authority to establish an administratorship over a local where the official was corrupt, or a Communist, and you said yes.

Mr. REUTHER. Yes, but when we have a show cause hearing—

Senator MUNDT. Now, to get around the question of whether taking the fifth amendment makes him a Communist—

Mr. REUTHER. Senator Mundt, if we were holding now, if we were sitting now as an executive board of our union and we had before us the leadership of a local union under a show-cause hearing, where we were required to show cause why we thought the union was in jeopardy, and they had legal counsel with them, and he said "You show me in the constitution where this local union is in jeopardy because this one union official used the fifth amendment, you show us where constitutionally under this constitution that we are governed by you have the legal right."

Senator MUNDT. That is now. Let's talk about it after the Mundt-Reuther amendment has been adopted.

Then what?

Mr. REUTHER. You just call it the Mundt amendment, and we wouldn't complicate it.

Senator MUNDT. I want your advocacy. All right, the amendment.

Mr. REUTHER. I am saying that under this constitution, even though you are right, and I think that thing has to be talked through, under this constitution we could not do what you are suggesting, and I am governed by this constitution.

Senator MUNDT. You base that on the fact that the evidence we have here is that he has taken recourse in the fifth amendment rather than the fact that you found him with a hammer and a sickle tattooed on his chest so you know he is a Communist.

Mr. REUTHER. I can assure you that the dangerous Communist agents in the world do not have a hammer and sickle tattooed on their chest. They are where you least would expect to find them. If I were planting Communist agents in America, I would not put them in places where they carried the hammer and sickle either on their chest or any place else. I would make them the most respectable people, I would put them in positions where they could do their dirty work with a minimum of suspicion being associated with their activities.

Senator MUNDT. The Communists follow precisely that formula.

Mr. REUTHER. That is right. I think they are very clever and very dangerous adversaries.

Senator MUNDT. They take the fifth amendment when they are caught, because they don't want to go to jail for perjury and they don't want to admit their Communist activity.

Mr. REUTHER. I take it you agree with me that under this constitution I can't do what you are proposing, and you are suggesting that we change it.

Senator MUNDT. That is right.

Mr. REUTHER. All right.

Senator MUNDT. My suggestion is, and I will read it again, that you propose an amendment, which you said you would be happy to advocate for the international representatives—

Mr. REUTHER. And the international officers.

Senator MUNDT. And the international officers, and I suggest to make the thing that it doesn't leave this loophole which is pretty serious, as you have in local 600, that you provide the taking of the fifth amendment, in your constitution the taking of the fifth amendment, by a local official, before a regularly constituted official governmental body—I am not talking about Gestapo chambers and star chambers, but of Government commissions, committees or bodies—that that should be sufficient to justify the creation of an administratorship. Then you have at least got the thing under control.

That is what you do with a crook. What would you do if you find a crook, and he is robbing the members blind? You move in fast. You have the constitutional authority. But suppose after 60 days they reelect a crook. What do you do then?

It is the same problem.

Mr. REUTHER. Under the constitution, we have specific authority to deal with these kind of things where you can prove it.

Senator MUNDT. Right, and you would have it under my amendment on the fifth amendment.

Mr. REUTHIER. But if a man says "I refuse to answer the question," are you a Communist; that doesn't prove he is a Communist. We have one fellow in this group who is anti-Communist, but he had a stubborn streak and he said "By God, it is my business what I am. I wouldn't tell you."

He got in the same jam. I can swear he is not a Communist because he has fought the Communists. But he has the stubborn streak and said "I resent your prying into my political rights."

Senator MUNDT. You meet people like that.

Mr. REUTHIER. What do you do when you meet a fellow like that?

Senator MUNDT. You told me that what you did as an international rep was to call him in and question him. But if he sticks by it, I suppose you fire him.

Mr. REUTHIER. Because an international representative is working for the union at my discretion and the discretion of the executive board who have to approve them. But a local union officer is there by decision of the membership. If the UAW, and I think that I have as much support from the rank and file members of this union as any leader in the world has for any big union, and I think the record is there. If the membership of this union felt that they wanted to give me more power so I could do what you propose, I would refuse to take it, and I would resist them.

You will find time after time in our conventions I have strongly urged them not to give us more power in areas where an abuse of such power could create a threat to the democratic rights of the individual members.

Senator MUNDT. Let me explain, Mr. Reuther, why this is important and very important. This isn't just a matter of rhetoric in vacuum. This is a matter of applying rules where proper.

You told us that as the situation now exists, you are comparatively helpless. Mr. Dorosh serves there, and he serves there because constitutionally you have no authority to move in direct. You did, commendably, write a letter to the local saying it ought to give some attention to it. You did, commendably, refer it to this public review board. But the difficulty is, as you well know, this local even if composed of people ardently in opposition to communism, lacks, number one, the subpoena power, the procedural power, it doesn't have the rules of perjury, it doesn't have, I hope, a Gestapo or a private police force that can check up on people.

It isn't the kind of body that a congressional committee is or the FBI is to get to the evidence. There is no way they can go behind these fifth amendments and bring out the facts.

Let me point out how hopeless it becomes in the instant case. This is local 600. I quote to you from May 18, 1957, where the president of local 600, Mr. Karl Stellato, who came with Mr. Dorosh to the committee hearings, to whom your correspondence would have to be directed, who would be in charge of this screening that the local union gave, which, in turn, apparently without too careful investigating the facts, this public review board said they didn't find to be inconsistent, here now—

Mr. REUTHIER. Mr. Chairman, I think it is unfair to accuse the public review board.

There are seven very distinguished Americans, accused of not doing their job right. I don't think that is fair, Senator Mundt.

Senator MUNDT. I am not accusing them.

Mr. REUTHER. You said without going into the facts.

Senator MUNDT. Because they in turn, Mr. Reuther, lack the subpoena power. They don't operate under the rules of perjury.

They have no way in which they can make the kind of investigation——

Mr. REUTHER. No private group has subpoena power.

Senator MUNDT. Of course not. That is the point. That is the problem. Because here is the man who makes the investigation on which you have to base your position, and on which they base theirs.

Here is what he says, the president of the union, reporting back to his members, after he accompanied Mr. Dorosh. He said "Brother Dorosh, tool and die recording secretary, gave testimony in the executive session and the open hearing on trade union matters dealing with his past as unit secretary." Then he goes on to point out that he took the fifth amendment.

He says, "When the question arose as to whether he was a Communist now or was in the past, after having consulted with the international union, and being told that union policy frowns on the use of constitutional privileges while testifying on union finances, but not when dealing with civil liberties, and upon advice of his attorney, Brother Dorosh invoked his constitutional privileges."

Now, was he correctly interpreting the international union policy when he said that, Mr. Reuther?

(At this point, Senator Ervin entered the hearing room.)

Mr. REUTHER. No, I don't think he was.

I think that we frown upon the use of constitutional privileges in any case where a person is using that to hide what he personally was involved in. We make the exception——

Senator MUNDT. Whether it is civil rights, or communism——

Mr. REUTHER. We make the exception when we are dealing with that person who may be under oath being asked to act as an informer to hurt innocent people who are no longer involved in the Communist conspiracy.

Senator MUNDT. We had that in the record this morning.

Mr. REUTHER. Right.

Senator MUNDT. Yes. Except for that exception, he misinterpreted in his speech to the Ford workers the international policy?

Mr. REUTHER. It is possible he didn't understand it.

Senator MUNDT. Well, if he didn't he misinterpreted it.

Mr. REUTHER. Yes. Well, I don't want to imply that he did it willfully.

Senator MUNDT. I am not implying.

Mr. REUTHER. I want to be sure you aren't.

Senator MUNDT. All right. I am going to imply something else in a minute. "Brother Dorosh invoked his constitutional privileges. Brother Dorosh refused to discuss the activities of other union members or the activities of progressive caucuses which seemed to be the central point of the committee's questioning." We don't quarrel with him on that, on your theory, but he, as the evidence showed, and as I corrected your impression of it in this morning, he took the fifth amendment on the pertinent question of "Are you presently a member of the Communist Party?"

So we have here the man who is going to make the investigation of Dorosh at the local level, even before the investigation is made, after he gets home from his trip to Washington, saying that "Brother Dorosh was properly taking the fifth amendment, there was nothing wrong for it," and, as a matter of fact, in his speech, and I am not going to read the whole thing, his report, he attacks the Government witness, who was another UAW official, a fine fellow, who said "I used to be a Communist; I am no longer a Communist," and followed the formula that you prescribed. So I submit to you, you leave the problem right out here now, unless you accept some such suggestion as mine. You say you lack the authority. They lack the desirability in local 600.

You said this morning on occasion you have had to establish an administratorship on local 600, because of Communist officials who had gotten into control.

Will you tell us how do we resolve a problem like this?

MR. REUTHER. Senator Mundt, I was not there, but I am advised that when this matter was processed by the tool and die units, under the structure there, they would have been his peers in effect, in terms of paralleling our whole concept of trial procedure.

They had a meeting at the unit level, which would be the tool and die unit, of which he was the recording secretary. He was not a local officer; he was a unit officer.

At the time that this hearing was held concerning his testimony or his refusal to testify before the Internal Security Committee, he did, before that group, and they so reported to the membership, where their decision was ratified, that he had been a member of the Communist Party, and he so testified that he had left the party.

Now, if he had refused to discuss it with his peers, then I think under our policy we would have been willing to move against him. In other words, if he had said that at the time they had this meeting, when he was called in before his peers at the unit level, if he had said "I will not discuss whether I was a party member or not," then we will, we would have used that as a basis for moving.

But he did say "I was a member of the party and I quit the party."

Senator MUNDT. At that time, however, he was not testifying under oath.

MR. REUTHER. Because we can't put anybody under oath.

Senator MUNDT. Precisely. That is where the mechanism breaks down.

MR. REUTHER. The point is: Do we at that point challenge his integrity and his statement?

If we do, then we start down a ratrace, and I don't know where it can lead to in a private organization.

You see, this is the problem we have here: How do you try to expand centralized authority on top of a democratic organization which does not have the right to subpoena and make people testify under oath?

How do you enlarge upon the central authority at the top without putting into serious jeopardy the democratic rights at the local union level?

I think that democracy at the local level of a union is vital. I think without it you cannot have a decent, free, clean, trade union movement.

What bothers me in this whole area, and I don't claim to be an authority on it, but I am just telling you as one person to another, with respect to international officers, because they have a higher responsibility, with respect to international representatives because they are not elected by somebody else, they are appointed by my office subject to the approval of the board, that at that level I am prepared to say "I think that no one should be on the payroll of our union at that level who uses the fifth amendment or any other constitutional privilege."

But at the point you say to me "Do that mechanically at the local level." I am not sure, I am not sure that you aren't giving me authority far and beyond the wisdom of people in the top of an organization to use with the discretion essential to protect the rights and the democratic privileges of each individual member.

You see, democracy is more difficult to operate than a totalitarian structure. These are the problems of democracy.

When Mr. Dorosh said he was a member of the Communist Party but resigned, I didn't just take his word, because, constitutionally, I had no basis for moving. But the international executive board said "We still would like the public review board to look this over, and we will take their judgment." They held hearings, and they made a judgment. You don't think it was the right judgment.

Senator MUNDT. I don't think it was the right procedure. I don't know whether the judgment was right or not. You can't hold hearings and get out assured facts unless you can operate under the rules of perjury and have the power of subpoena. You can go through the motions, but you can't offset a Government hearing which is under oath by having a conversation with a stenographer around taking down notes.

Mr. REUTHER. Ultimately, then, to apply your point of view to it in a practical way, you would have to get the Government to conduct all these trial procedures.

Senator MUNDT. No; I think, Mr. Reuther, you did it very well with your international reps. You said you were not quite satisfied with that.

You called them in and talked to them. This wasn't a matter of a hearing. You asked them some questions. You went into the facts. They convinced you that on the basis of deeds—

Mr. REUTHER. And they put affidavits in the record, sworn affidavits.

Senator MUNDT. Right. But you said they convinced you on the basis of deeds, and nobody can quarrel with that. That is why I am very sincere in suggesting you set up a mechanism such as this administratorship, which gives you the power, and which you now have in the constitution, when you know he is a Communist, to take some kind of salutary action against the fifth amendment American, who usually is a Communist. You run into the stubborn fellow now and then, but usually the fellow who takes the fifth amendment has something to hide. So you ought to have some protection against those 600 members. I don't know anything about union 600. But I would doubt very much that the international president, having established an administratorship, pointing out the problem, having talked with Mr. Dorosh, and found him unwilling by deeds, not by sworn testimony

but unwilling by deeds, to demonstrate that he was not a Communist—I doubt if they would reelect him president. Maybe they would, or maybe they would not. But if they did, you could move right back.

They might reelect a crook, you see.

You wouldn't let them do that, would you?

Mr. REUTHER. No, obviously not.

Senator MUNDT. This is a philosophical difference. It seems to me that these are kinds of problems that free people talk about and have a right to differ about.

I am just worried at what point you have to draw the line of demarcation in the centralizing of authority in a democratic, voluntary organization until you finally get so much authority on top that you begin to destroy the rights and privileges of people at the bottom.

This is what bothers me. I don't want that much authority.

Mr. REUTHER. But you have it in corruption.

Senator MUNDT. Yes, because there you are dealing with a different thing. You can prove corruption.

It is easier to prove corruption, that a fellow stole money, made a sweetheart agreement, or something else. It is tangible. But when you are dealing with a man's political thoughts, inner thoughts, you are dealing with intangible things. Here is a fellow that said I quit the party. How do you know he didn't?

I don't know now.

Senator MUNDT. That is why we have the opportunities before congressional committees to prove precisely that. I am not going to go through all of these five. I want to call attention briefly to Mr. James Simmons, of Detroit. This is a more important official, because this is the man who was elected to the position of vice president of the gear and machine unit of local 600 involving some 750 members.

He was asked the same question:

Are you the vice president?

Answer. That is right.

Question. Are you presently a member of the Communist Party?

Answer. I refuse to answer that question on the basis of the fifth amendment.

(At this point, Senator Kennedy entered the hearing room.)

(At this point, Senator Ervin withdrew from the hearing room.)

Senator MUNDT. Now, with vice presidents of local units and local organizations taking that attitude, you are taking the attitude that the UAW does not approve of the fifth amendment, I would hate to just let the problem rest and say "This is our policy but our practice is directly contrary, and I can't do anything about it."

Mr. REUTHER. That point is that at the moment, even if I agreed with you, and I made clear that I have reservations about your suggestion being the ultimate solution to this problem, even if I agreed with you, I do not have the constitutional authority to do what you suggest, and I am certain that you wouldn't suggest that I violate the constitution. What you are really saying in effect is that at the next UAW convention we ought to give consideration to changing the constitution to provide that in the event anyone, for whatever purposes, uses the fifth amendment or any other constitutional privilege, that that automatically would be the basis for removal from office.

(At this point, Senator Ervin entered the hearing room.)



Senator MUNDT. No, no.

Mr. REUTHER. This is your proposal.

Senator MUNDT. No, it is not. Up to the last part. Automatically would provide justification for you to establish an administratorship. You don't always remove the officers under an administratorship, but you are there to make sure everything is all right before you go away. Isn't that the purpose of it?

Mr. REUTHER. The purpose is to see to it that the affairs of the union are such that the best interests of the membership will be served.

Senator MUNDT. All right. I ask that you do the same on communism as you do on corruption.

Mr. REUTHER. Well, it seems to me that at the time when your committee is dealing with a problem as to how you can stop administratorships from being established in local unions, you are now proposing that we begin to establish more of them.

I don't like administratorships. I think they are bad and they ought to be used very sparingly. I wish there was an easy answer to the problem that you pose. The other thing that you must remember, Senator Mundt, and this, again, is an area in which I am extremely sensitive as a person, is most of my opposition has come out of local 600.

I mean my political opposition internally in the union, when I run for office or when I advocate policies.

I will do everything in my power to avoid anyone coming to the conclusion that I am trying to victimize people because they oppose me politically in the union, because everybody in this union who is in good standing has got as much right, as many rights and privileges, as I have, and I have always—you get the records of our convention, and we always put the opposition on every committee.

When I first did this at the first convention after the group I work with were in control of this union, I was criticized by my friends, and I said "Look, if our ideas will not stand the test of the competition of the opposition, then maybe we ought to review our own ideas because maybe they aren't as good as we think they are."

At every convention, we put somebody from the opposition caucus on each committee so that that opposition will have an organized base on which to fight for its position and oppose our policies where they disagree.

I am very sensitive. I don't want to destroy the opposition of the people in my union. Anybody has a right to run against me. They have a right to organize their own groups and own caucuses.

I will not do anything constitutionally that will make it easy for me to destroy people in my opposition. If I can't provide better leadership that will be worthy of the support of our membership and win on that basis, then I don't think I am worthy of being the leader of this big union.

So I am sensitive, as a matter of fact, when we put the administratorship over local 600, when we removed 5 people we could prove were Communists, and 4 of them are still disbarred—1 fellow proved to us that he had broken with the Communist Party, he fought them, he testified freely down here, he didn't use any constitutional privilege—we reinstated his right to run, and he was elected to a local unit position.

When I established that administratorship, or when my administrative group did, I mean the executive board, we were severely criticized, severely criticized. Unless you handle these things carefully, some times the company that you think you are trying to go at winds up being a martyr and he gets the support of the membership just because they think he is being kicked around by the people on top. I think your proposal would do exactly that.

I think it would wind up to put administratorship, and at the end of 60 days they reelect this fellow, and you remove him again.

Each 60 days I think he would get a bigger majority because this is the undergoing feeling.

(At this point the following members are present: Senators McClellan, Ervin, McNamara, Kennedy, Mundt, Curtis, and Goldwater.)

Senator MUNDT. Do you do that when you put an administrator over crooked union officials?

Mr. REUTHER. You can prove that but you can't prove a man is still a Communist when he swears before his membership he resigned.

How do you prove it? How do you get back into the crevices of his mind and say, "Well, back in this little corner, he is still a Communist?"

You deal with intangibles.

Senator MUNDT. When did Mr. Simmons ever deny that he was presently a Communist?

Mr. REUTHER. I am not sure about all of the details, but I think if you will look at the publication of that local union, that provides that each big building has a portion of the paper each week for their purposes, you will find that this gentleman, Mr. Simmons, wrote articles condemning the Communist Party in his column in the local union.

Senator MUNDT. That would mean nothing at all. Lots of Communists write articles against communism, and that is part of their tactics that you say you would have Communists employ, and I would have them employ the same kind if I were directing it.

You don't have them come up in front and stand on the street corner and espouse communism. This is part of the business.

When did he deny he was a Communist?

Mr. REUTHER. He denied it when he was before the local group who were hearing his case.

Senator MUNDT. He did not take the opportunity before the senatorial committee.

Mr. REUTHER. That is right, and if he had we would not have this problem.

Senator MUNDT. I don't want to pursue that point any further with you. Could we settle that one this way: You don't like my idea, and you won't associate your name with my amendment, but will you agree that this is a phase of the fight against communism for which you have not found a successful formula for fighting at the local level?

Mr. REUTHER. I would say it is a phase of democracy's problem. This is bigger than the question of communism. This whole question—

Senator MUNDT. Let us pin it down to the problem of communism, which is big enough for this country boy from South Dakota to wrestle with one afternoon.

Mr. REUTHER. When you begin to take steps that will erode the freedom of people, even in the name of fighting communism, it still

erodes their freedom. I say we have got to find a way to defeat communism without jeopardizing the freedom of people in the process.

I think you can. Our union is the best example. We have beaten the Communists by making democracy work.

Senator MUNDT. You are not going to make it work in local 600 if you have the Communists working at the democratic controls.

Mr. REUTHER. The Communists don't control local 600, Senator Mundt. If they did we would put an administratorship over it. I don't say, because I can't say this under oath, because I don't know. I told you I had my hunches, too, but I have no right nor do I want the power to remove people from office because Walter Reuther has a hunch.

I believe in due process, and I believe everybody has the same rights, and unless I can prove a fellow is a Communist under the constitution I should not have nor do I want the power to remove him.

Senator MUNDT. Have you read this particular hearing of the Senate Internal Security Committee?

Mr. REUTHER. I read all of the procedures related to the international representatives.

Senator MUNDT. This is not that. I think I ought to let you take this home with you and read it because this is a lot more than a hunch.

Mr. REUTHER. When do you think I will get home?

Senator MUNDT. This is pretty documentary.

I think it will be Sunday morning.

I will now turn to another phase. You have said many times, and I think I know enough of your public record to believe that I quote your position correctly when you say that you are an active advocate of civil rights, minority rights, and we are not talking about what Communists call civil rights.

We are talking about what laymen talk about as the rights of a minority, and the rights of minority groups. You are a great believer and advocate, I believe, in that. Am I right?

Mr. REUTHER. Yes. I think the test of a democracy and the question of human freedom is how it applies to single individuals.

Senator MUNDT. Or to a group that has a minority position?

Mr. REUTHER. That is right.

Senator MUNDT. Does the UAW under your direction ever make any contributions to organizations or groups that are sponsoring or promoting minority rights?

Mr. REUTHER. We do. We make contributions to fraternal groups, to groups dealing with civil rights and civil liberties, and to religious groups, and to all kind of groups dealing in areas in which we feel that we have an interest, and which we feel we ought to lend our support to.

Senator MUNDT. How is that money collected, Mr. Reuther? Is it by a special tax on the membership, out of regular overall dues, or by some special assessment? How is that fund raised?

Mr. REUTHER. Well, we have one source of income, that is our dues. We have no other source of income. Moneys that we spend for political activities in terms of candidates and things like that does not come out of the dues money.

This is voluntary money. Our convention is the highest authority of our union, and it meets roughly every 2 years. We have some-

where in the neighborhood of 3,000 delegates, all of whom are democratically elected by the membership in each of the local unions.

They come together, and there are committees set up by this convention in advance. There is a committee on credentials that passes upon the seating of delegates and there is a committee on constitution that deals with our basic bylaws, and there is the committee on grievances that have to be processed, and there is a committee on education, and there is a committee on other subject matters.

There is also a committee, a broad committee on resolutions which is our policy committee. Now, they come forward with recommendations, and they will make recommendations in a number of areas.

Then between conventions the international executive board is charged and authorized to implement the policy resolutions because obviously a policy is of little value if it is just set forth on a piece of paper.

It takes on meaning and purpose only as you implement it. Then we are authorized to spend moneys and make contributions to further and to promote the objectives and the policies outlined by the convention in the resolutions it adopts.

Senator MUNDT. To summarize, to see if I get it right, one source of income the union has is from dues, outside of partisan political activities which you say are collected by voluntary contributions.

We are not talking about partisan contributions now, but we are talking about income from dues. The convention determines the dues, and the convention determines the general overall objectives for which dues can be spent, and the international board within that framework would undoubtedly determine the specific contribution to a specific organization or program or cause to implement those overall objectives, is that about right?

Mr. REUTHER. That is correct.

Senator MUNDT. Now, your contributions that you make from that fund, then, are made from dues which all members have to pay, is that right?

Mr. REUTHER. A member of our union is obligated to pay the dues as prescribed by the constitution.

Senator MUNDT. These are compulsory dues that apply to everybody, and that is different from a political campaign?

This is a compulsory union contribution for the objectives determined by the convention?

Mr. REUTHER. It is a monthly dues required of all members.

Senator MUNDT. Among the organizations to which you make contributions in that category, would be Americans for Democratic Action?

Mr. REUTHER. That is one group that has gotten a contribution.

Senator MUNDT. And the NAACP, National Association for the Advancement of Colored People?

Mr. REUTHER. That is right.

Senator MUNDT. I notice this reported filed by the ADA. I mention this one particularly because we have our friendly associate here who can correct the record certainly if it is wrong, because he has an abundance of experience in this field.

This is from the files of the House committee where the union files its contributions and where the ADA files its receipts. Would it be

fair to say that the UAW pays approximately \$1,000 a month to the ADA?

Mr. REUTHER. I think that is essentially the level of our contributions.

Senator MUNDT. It seems that way to me, and the records show, and I presume that the record filed by the ADA is accurate, that the UAW has paid roughly 33 $\frac{1}{3}$  percent of the total ADA budget since the record starts on March 11, 1956.

Mr. REUTHER. I am sure that that isn't so.

Senator MUNDT. Mr. Rauh, I am talking about the nonpolitical activity of the ADA, what they call their education and you have the list here.

You designate specific nonpolitical contributions, and I wanted Mr. Reuther to have that information at the time I asked the question. So the record shows—

Mr. REUTHER. What happened was, Senator, back when the ADA came into being, the ADA came into being for a very specific and very important reason. That is unless you have someplace in America so that you have got an aggressive anti-Communist and liberal group working, some of the people are going to be gullible enough to get taken in, and the ADA came into being when the Henry Wallace group was formed, and we were very effective in that fight.

We worked out a budget. Phil Murray was part of that, and other people in the trade union movement were a part of that, and the UAW contribution was worked out.

What happened was some of these people have cut back, and we haven't, and we have been discussing this thing.

I think that we are paying a larger share of the ADA budget than we ought to be.

Senator MUNDT. Roughly a third of the nonpolitical program, assuming the validity of their report which you and I have to assume, and we don't want to get Mr. Rauh into trouble.

Mr. REUTHER. I don't know what report you have there.

Senator MUNDT. This comes from the report filed with the Clerk of the House of Representatives. Let me give you the totals, and maybe my arithmetic isn't correct, but I think it is roughly correct.

This report for nonpolitical contributions from March 1, 1956, to March 10, 1958, is \$75,000.82, of which they report \$25,500 comes from the UAW. So I say roughly a third.

Mr. REUTHER. Mr. Rauh tells me, and he should know, and he knows a great deal more about this than I do because I don't get close to their financial matters, he tells me that the UAW has contributed roughly 10 percent of their budget.

Senator MUNDT. Mr. Rauh should tell the Clerk of the House of Representatives what he tells you then, because that is where he is supposed to make his report.

Mr. REUTHER. He says that that can all be explained, because you are confusing or you are separating their funds into two categories, but if you talk about their total budget—

Senator MUNDT. My purpose of mentioning it, and we don't have to argue much with this 10 percent or 35 percent, is to show you make a substantial contribution of about \$1,000 a month to ADA, which I presume you make not to espouse and embrace and encourage the

political activities in which ADA is engaged, but its activities in other areas. Is that correct?

Mr. REUTHER. Primarily, our contributions to ADA in the period more near to us, were made primarily because of ADA's activities in the field of civil rights and civil liberties, because we felt that this group could make a greater contribution because it could draw into its activities people not normally associated with the labor movement as such.

I think that the record is there to show that the ADA has been very effective, and it has made a great contribution in these areas.

Our contribution essentially was for work that they were doing in the broad area of civil rights and civil liberties.

Senator KENNEDY. Would the Senator yield?

I would like to see if we can get this question of whether it is 35 percent or 10 percent, because the difference is quite high.

Would the Senator permit me?

Senator MUNDT. I will be happy to put this in the record.

Senator KENNEDY. I am just trying to get this because I would like to know myself. Which is it?

Would it be possible to ask Mr. Rauh if he would give an explanation of which it is?

Mr. RAUH. I think it is about 35 percent, or 33 percent of the union contributions, and about 10 percent of the total contributions, and I think that clarifies it.

Both figures are in a sense correct, but it is 10 percent of the total contributions we have received.

Senator MUNDT. You have me completely confused now. Would you say that over again; I don't understand it.

Mr. RAUH. I believe the UAW contribution represents about 33 to 35 percent of the total contributions by labor unions, but represents about 10 percent of the total contributions.

Senator MUNDT. Could you explain to me why you, and I don't mean you personally, but you as Mr. ADA for this purpose, filed with the Clerk of the House of Representatives then what is certainly not a faithful and factual report, because it doesn't show that?

Mr. RAUH. Nonsense. It is a faithful and factual report.

Senator MUNDT. You can read this, and if you can read this and find any other interpretation——

Mr. RAUH. I would be happy to. There is no question about it. Senator Kennedy's question is quite clear.

It is about 10 percent of the total, and about 35 percent of the labor union contributions, and the records filed with the House are perfectly clear on this, and we will get them for you and give you copies.

Senator MUNDT. Does that satisfy you?

Senator KENNEDY. Yes.

Senator MUNDT. If you are satisfied, I am confused, but we will go right ahead.

Now, Mr. Reuther, I am asking you these questions not to question your authority or your right to tax members of your union through dues-paying mechanisms to support organizations which embrace causes, but to ask you a few questions as to how you equate your very commendable interest in minority groups and the rights of minority

citizens with a position of the union which, by mass picketing, prevents a minority individual or a minority group from entering a plant and continuing to work when their only offense is that, for good reason or bad, they have disagreed with the strike vote and prefer to work instead of strike.

Don't you concede that they have a minority right, too?

MR. REUTHER. It seems to me we could save a lot of time here. I have told you before and the record will show very clearly, Senator Mundt, that just as a worker has a legal right to decide to withhold his labor power and go on strike, another worker can choose not to and go to work.

SENATOR MUNDT. That is your position?

MR. REUTHER. We are not arguing about that.

SENATOR MUNDT. That is your individual position?

MR. REUTHER. Yes, sir.

SENATOR MUNDT. Is that the union's position?

MR. REUTHER. That is the position of our union.

SENATOR MUNDT. Let me quote from the record.

The chairman, Senator McClellan, on page 1762, in reference to mass picketing said to Mr. Mazey:

I am talking about the man who has a job there, who wants to return to work. Has he got just as much right to go into that plant and work as you have to walk out?

This is Mr. Mazey, International Secretary-Treasurer of the UAW who describes himself as second in command only to Walter Reuther, and he said, "I don't think he has."

Well now, who speaks for the UAW, Walter Reuther or Mr. Mazey, because there is a big debate going on right now on this point between them?

MR. REUTHER. I really hope that hasn't caused you too much discomfort.

SENATOR MUNDT. It has caused us some concern.

MR. REUTHER. Because I wouldn't want that to be the case.

SENATOR MUNDT. I hope it hasn't caused you any discomfort.

MR. REUTHER. No, it hasn't. I think that we are all different and it doesn't mean one person is better than another, and I don't think I am better than Mr. Mazey. But Mr. Mazey has a much lower boiling point than I. I can sit here indefinitely and I think I can keep a reasonable composure. Mr. Mazey——

SENATOR MUNDT. You forget, Mr. Reuther——

MR. REUTHER. Mr. Mazey was——

SENATOR MUNDT. Many, many times Mr. Rauh kept saying to Mr. Mazey, "Don't get angry, don't get angry," and he kept his boiling point down pretty good.

MR. REUTHER. That only proves my point, that despite Mr. Rauh's great effort, Mr. Mazey does have a low boiling point.

He has been closer to this situation and perhaps emotionally more involved in the Kohler thing than I have been, and I make allowances for that.

I think Mr. Mazey and I, if we were sitting down together, and I have done that many times, would share the point of view which I expressed, which is the point of view of our union.

I can assure you that I speak here with the authority of this union. I know its leadership, and I know its membership, and I know that

my point of view is the official position of our union on the question you ask.

We do recognize the right of a worker legally to go to work if he chooses not to strike, although we believe he is in violation of a basic moral responsibility to his fellow man.

Senator MUNDT. You will appreciate my position, Mr. Reuther. I am just a young man trying to pick up a little education in a big city far away from home, and I haven't met very many labor leaders and so when I hear the second man in command of the union say one thing, I have to accept that until I get the man in command say just the opposite.

Now I accept what you say, because you are the chief. But you can understand why I would be confused.

Mr. REUTHER. I don't like that word "chief." Why don't you just say I am president of the union.

Senator MUNDT. You are president of the union. That suits me.

Mr. REUTHER. Thank you.

Senator MUNDT. So it is your testimony then that Mr. Mazey was not citing correctly the position of the union concerning minority members and the right to strike when he said, "I don't think he has"?

Mr. REUTHER. I don't know that Mr. Mazey said that, but if he did —

Senator MUNDT. This is from the record.

Mr. REUTHER. Sometimes you can skip the first part of a sentence, and I don't know how you are reading it, but I do say, Senator —

Senator MUNDT. If you have any question, there was a question by Senator McClellan and that was his answer, and Mr. Rauh can look it up. It is on page 1762. Let us assume he said it.

Mr. REUTHER. I don't think that we ought to waste our time. As far as I am concerned, the position of our union is as I have stated.

(At this point, the following members were present: Senators McClellan, Kennedy, Ervin, Goldwater, McNamara, Mundt and Curtis.)

Senator MUNDT. Which is that the minority member, the fellow who doesn't decide to strike, who wants to work, has as much right to go to the plant and work as a man has to stay out on strike?

Mr. REUTHER. Legally, there is no difference between their rights.

Senator MUNDT. How about ethically, morally, spiritually? He is a free man.

Does he lose any of his rights of freedom as a member of the minority block because he has to work with his hands as a laboring man, or does he have it ethically as well as legally?

Mr. REUTHER. I think that philosophically, I think that every member, every human being in a society has the same rights, the right to choose to go in, the right to choose not to go in, but I say that the human family was able to crawl out the jungle of the past and to build a civilization because we began to recognize that there are areas of human relationships in which somehow there has to be a social point of view in which the position and the problems of the group transcend the position of the individual.

Otherwise, we would all be living in caves yet, seeing who could get the biggest club to beat the other fellow's skull in.

We got to the point where human civilization was possible only by recognizing that the total of the human family, whether it was a



village or a state or a nation, and ultimately the world, that the whole of society has problems that we can resolve only by common decision, and that the individual has to be bound by those decisions.

I think a worker who goes into a plant after a democratic decision has been made to strike that plant is wrong. He is morally wrong. I think that he has abdicated his basic responsibility to his fellow man.

But legally, he has a right to go in, and no one has a right to interfere with his legal right to go in. But if you want to talk about morality and ethical values, I say a worker, where he acts contrary to the democratic decision of another group of workers with respect to hours and working conditions, and so forth, I say morally he is on very poor ground, in my book.

Senator MUNDT. Let's rest it on the legal ground, because the man who walks in, of course, would have a different point of view philosophically and morally from you. We could debate that. But we will agree that legally he should have that right as a member of a minority point of view, just as we hold other minorities in this country should have the same rights available to the majority, right?

Mr. REUTHER. That is correct.

Senator MUNDT. Will you relate that, and this one puzzles me, and I ask this for information—I am not going to pick out anything from my congressional hearing and try to get you down on a specific point, but I want, for my own information, how you relate that to the fact that as I understand it, in your effort to have a closed shop or a union shop, you would deny to a minority fellow, this stubborn guy who sometimes comes along; and some of them are wonderful people, they are independent, high-spirited folks; he is just different, and he says, "By George, I want to continue working at my job without belonging to a union"; why shouldn't he have the right, the legal right, to do that?

Mr. REUTHER. Let's talk about a specific situation. Down in Tennessee some months back—I think it was one of the last Ford plants in which we won a labor board election—there were 380 people who voted. The UAW got 379 votes by secret ballot, only 1 worker voted against the union; 379 to 1.

That fellow could have been the kind of individual you are talking about. He just felt that he could handle his own problems in his own way, and he didn't have to belong to the union.

You know, philosophically, I just had to be opposed to the union shop. I was opposed to the checkoff. I battled on these things back in our union.

I think that in the early part of the union, my position was a sound one. I think that today, in a situation when the union is established, and when it was 379—when 379 workers make a decision, I think the one fellow ought to be obligated to go along, because the 379 pay the money to make possible the grievance machinery, the arbitrator whom we have to pay half of the salary and expenses.

When he makes a decision on a vacation pay clause of the contract, that one fellow gets the extra vacation pay; when we process a case on unemployment compensation, we cover him. He gets all the benefits, he gets all the services, and our union provides tremendous services, in the medical field in terms of occupational diseases problems.

We have a clinic where we work on this because we had tremendous lead-poisoning problems—every worker in the plant, since we are the exclusive bargaining agency under the law, gets the benefit.

It seems to me, Senator Mundt, this principle comes in: We fought a revolution in America about taxation without representation.

Senator MUNDT. I am coming to that one.

Mr. REUTHER. All right. I am just getting there before you, because I have been through this many times.

We ought to quit shadow boxing. The point is that if we fight a revolution for a principle that says that taxation without representation is basically wrong, then what is the other side of the coin?

The other side of the coin is that representation without taxation is equally wrong.

Senator MUNDT. That doesn't always hold. That is a convenient matter of semantics, but it may not be valid.

Mr. REUTHER. If the Ford Motor Co. said to us, and they haven't—

Senator MUNDT. You wouldn't deny the vote to all people who don't pay taxes, Mr. Reuther, and I am sure of that. I believe in representation without taxation.

Mr. REUTHER. When a community votes to increase the millage for schools, because we have to build more classrooms to take care of the increasing population, and need more money to pay for more school-teachers, and you have a vote, I think you will find very few communities in which 379 would vote for a new school millage tax, and only one citizen vote against it.

But if there were that situation, would the one person who voted against the increase in the school millage be able to say, "Well, I am sorry, I don't agree with you. I don't have to pay the tax." They all have to pay.

Senator MUNDT. You are not coming to the point where you will tell us that you think unions should have a sort of supergovernmental power, sort of be a superstructural government. This is different.

Mr. REUTHER. I am saying that in the area where the union takes care of the problems of the workers, that the worker who gets the benefits should help pay for the cost. If the Ford Motor Co. would say to us, "Look, why don't we work out an arrangement whereby this one fellow who voted against your union doesn't have to join, but he gets none of the benefits. If he has a grievance, you don't process it. If you negotiate a pay increase, he doesn't get that. If you improve the vacation pensions, he doesn't get that.

"In other words, he doesn't pay for anything, and he doesn't get anything."

We will accept that. I will accept that right now for our union. Who do you think creates the pressure for a union shop?

Senator MUNDT. Say that again. I think that sounds pretty impressive.

Mr. REUTHER. It is fair. It isn't impressive. It is just fair.

Senator MUNDT. Anything that is fair is impressive to me, Mr. Reuther.

Mr. REUTHER. I know, but I don't want to doctor it up. I think it is fair.

Senator MUNDT. You use your words and I will use mine. I think we are talking about the same thing.

If I understand your proposition, it is this, that these people who don't want to join a union should be permitted to continue to earn their livelihood in the shop of their choice, provided they didn't come

to the union then to seek benefits for negotiating a contract or settling a grievance, and that whatever the union contract provides for union members need not, by virtue of that fact, be operative to them, is that what you are saying?

Mr. REUTHER. Under the present law, we are legally obligated to represent that worker. We cannot deny, we cannot refuse to process his grievance. We are the sole bargaining agency for all the workers when we are certified. We are certified as the legal representative of all the workers and we cannot legally refuse to process his grievance.

Senator MUNDT. I understand that. I am asking you what your proposition was?

Mr. REUTHER. We pay the GM umpire, I think, \$40,000 a year just in salary, not talking about operating his office and staff and travel and everything. Yet this one worker who does not want to pay for the cost of this gets all the benefits. I don't think that is fair.

I am opposed to a union shop where the union boss goes up the back alley, in the back door and makes the collusive agreement with the employer, and makes all the guys join the union. The first contract proposal that we made to the General Motors Corp. for a union shop says if we can't get 75 percent of the votes in a secret ballot, we don't want the union shop.

When we had the union shop election in Ford, 88,000 workers by secret ballot, in a vote conducted by the Government, voted for the union shop; 1,000 voted against it. You know where the pressures comes from. You go into a local union meeting, as I have done many times, when you are talking about contract matters. You are getting ready to go in and meet with the employer and negotiate a new contract. When they don't have a union shop, where you have 98 percent of the fellows in and the smaller the minority on the outside, the greater pressure. You know where the pressure comes from. The guy in the shop says, "Look, I am getting tired of paying for the services this other fellow is getting. I want him to pay his share. I am getting tired of the hitchhikers and the free riders who are riding the gravy train."

This pressure does not come from the union bosses, to use that phrase. It doesn't make any difference to me. The guy in the shop feels it is an injustice for him to pay for the cost of the arbitrator, the grievance machinery, the lawyers and doctors and everybody else we need to provide the service, and the fellow on the next machine gets the service.

Senator MUNDT. I can appreciate that. Personally, I think he should belong. I think the free rider should not be a free rider. I am pointing out what seems to me to be inconsistent. He has a legal right to be a free rider if he wants to. He is obnoxious and kind of cheating on his fellow workers, but it is his legal right.

I am thinking in terms of the legal right and your advocacy of minority points of view.

Mr. REUTHER. Wouldn't you agree it would be better to put it this way: That if the union provides a transportation service to get a worker from where he is to where he will have higher wages and all these other things, and you say to the fellow, "Come along, we will help get you there, we will give you a ride to get you there, but you

will have to pay your fare. If he doesn't want to pay his fare, he will walk."

Senator MUNDT. I agree.

Mr. REUTHER. You want to give him a free ride.

Senator MUNDT. I don't think anybody should be authorized to bundle him up and throw him on the bus against his own will.

Mr. REUTHER. The point is, if you make the provision—I agree with you on that. As far as I am concerned, you say to that one fellow—I don't know whether he is in the union or not in a situation like this. Do they have the right-to-work law in Tennessee? They have a right-to-work law in Tennessee, so he still may be outside of our union.

I would be very happy, Senator, I would be extremely happy if you said that one fellow should not be bundled up and put on the bus, but you said, "Okay, he is going to walk."

Senator MUNDT. I would agree to that.

Mr. REUTHER. I would agree to that 100 percent. What I am opposed to is him getting in and taking the best seat on the bus and not willing to pay his fare. That is what I am opposed to. I think it is wrong, unfair; I think it is contrary to all the concepts. When you get a service, you help pay the cost.

Senator MUNDT. I am not going to pursue this further except to say I am happy to have you say for the record that you do recognize this legal right for the minority. I recognize this is a difficult problem, but I don't subscribe to the point of view that you should coerce a fellow who wants to stay out even though you think he ought to be in. There ought to be some protection for his rights.

Mr. REUTHER. Senator Mundt, we make one exception. We do work it out and we have with a number of religious groups, where this is a matter of conscience. Just 2 weeks ago we worked it out. The last group was called the Old German Baptist group, a very small religious sect.

They said as a matter of religious concept we cannot belong to any group like this. They have agreed to pay for the same amount of money. It all goes for charity purposes. They have agreed in case of a strike they won't participate in a strike, but they won't go back to work. We attempt to respect the rights of an individual.

But when it is just an economic matter, the guy wanting a free ride without wanting to pay his fare, that is where I draw the line. I am perfectly willing to say, "You don't have to ride the bus, but then you have to walk."

Senator MUNDT. I think maybe it is too complicated to do, but I think you could eliminate a lot—I don't like to use the word controversy, but labor controversy, labor uncertainty, labor mistrust in this country—if a mechanism could be devised to make that possible. It may be altogether too complicated in a contract.

But there are a lot of people who are as concerned as I am, that the fellow with the minority position, even though he is wrong, should not be pushed around. The thing you say sounds very fair, impressively fair. It may be too complicated to put in a contract, but I wish you would give some study in that direction. I think it might be a forward-looking step.

Mr. REUTHER. I can assure you that this is an area in which I am thinking a great deal because I think it is a problem we have to think through. I think what we need on this problem is more light and less heat.

Senator MUNDT. I agree. That is what this committee is trying to provide.

Mr. REUTHER. I think that first of all there is an exaggerated notion about how many people belong to unions because they are required to. In our union, when we didn't have a union shop, we had plants in which we had 99 percent of the fellows that belonged to the union before the union shop. I think the number of people who are in what you call the minority, if there is only one—I agree with you the principle is the same—I think the size of that minority is greatly exaggerated.

It is very much exaggerated. When we can get in Tennessee with the right-to-work law, and all these pressures, to get 379 people to vote secretly in a ballot conducted by the Government, for the UAW, and one against it, I think that is a pretty good recommendation for our union.

(At this point Senator McNamara withdrew from the hearing room.)

Senator MUNDT. On that point, let me ask you a related question. South Dakota has a right-to-work law, as Tennessee has. In the industries and the plants where we have unions, by far the bigger majority, a greater percentage of the employees belong. The minority there is very small.

You say it is true generally. That being true, why does the union, as a policy, take such a strong position against a State right-to-work law? I could argue that you have a pretty good position in the national right-to-work law, but as a State right-to-work law, why is that so injurious?

Mr. REUTHER. I think primarily the motivation is the thing I tell you, the pressure is from the membership. This is the thing you have to understand. I have seen situations where the fellow says, "We would rather have the union shop to make this handful of free riders pay their fare than we would like a wage increase.

Really, I have been amazed at the attitude of these fellows. When you talk about the labor bosses doing these things, you are just kidding yourself. The pressure is from the rank and file, the guys who are paying their fare want everybody to pay their fare. Frankly, maybe we can solve this problem in America some day, being able to say, "Okay, if you don't pay the fare you don't ride; you walk. You don't get the benefits." You know how fast it would take to get these guys to come to the union hall to sign their cards?

Senator MUNDT. Pretty fast.

Mr. REUTHER. If they met a cop on the way, they would get a ticket.

Senator MUNDT. That being true, a State right-to-work law—I distinguish the two because I share a philosophy of government which you have enunciated here, that local government is best and those things which local governments can do, they should determine.

This is a field in which local governments at State levels can act either way they can. I think there is a great strength in the position that this is a State determination. In the literature that you have read about Senator Mundt being antilabor, if you read your own periodicals and get confused therefrom, you will find I have never said I am in favor of a right-to-work national law.

A right-to-work law, if you agree, is not necessarily antilabor. I should say the opposite. The resistance to a right-to-work law is not on the basis of antilabor, but it is antifree right. You say a right-to-work law helps free riders to get this quick trip to the bus station.

(At this point Senator Kennedy left the hearing room.)

Mr. REUTHER. Setting aside your personal attitude, because I don't want to discuss that, but I think most of the people who have been pushing State right-to-work laws are not motivated by any noble ideas of helping the downtrodden workingman, because they are in States where the level of wages are substandard, they are in States where the general working conditions are bad, and they are the same people who fought the legitimate organization of labor over these many years.

It seems to me that the first thing that is wrong with the right-to-work law is that it is misnamed because the 51½ million unemployed in America would like a right-to-work law that would guarantee them a right to work. The point is that it is not a right-to-work law. This is a law primarily motivated in most States—I don't say this is true of every one—I think it is possible for a person to be completely sincere in feeling that a right-to-work law philosophically is justified, but I do happen to know that the employer groups in the States with low wages push right-to-work laws in order to discourage organization because they know organization will raise the level of wages and they will have to pay a higher level of wages.

The proof of the pudding is in the eating. In the 16 right-to-work States before Indiana came into it, and it has had no impact on the wage structure, was somewhere around 60 cents an hour less than the rest of the country.

Senator MUNDT. I have some good news for you in connection with your fight against unemployment. I associate myself with you in trying to get unemployment eliminated, but I wish to point out that unemployment and the right-to-work law do not necessarily go hand in hand.

South Dakota, with the right-to-work law, has the lowest percentage of unemployment in the union.

Mr. REUTHER. Your State is not exactly one of the major industrial States of America.

Senator MUNDT. That is correct. We are trying to get into that category.

Now I turn to another point, Mr. Reuther. You send me every day, and I suppose you send to all Members of Congress, a little magazine called Cope. Are you familiar with that?

Mr. REUTHER. I know there is one. I don't read the Cope publication.

Senator MUNDT. I wonder if you read it as carefully as I do.

Mr. REUTHER. I am sure I don't.

Senator MUNDT. If you don't, you don't read it very well. I have been reading it recently because I have become curious about it. You are familiar with it?

Mr. REUTHER. I know that there is a publication like that.

Senator MUNDT. It is called Cope, and it says it is the Committee on Political Education, published by the AFL-CIO, PAC. You, I think, are connected with that group. Is that financed from union dues?

Mr. REUTHER. I think the COPE organization, Senator Mundt—since this bears so closely on the Kohler strike—is financed in the following ways: They have two kinds of money. They have what is called organizational and educational money. This is money contributed by the affiliates of the AFL-CIO, of which the UAW is one.

They are asked each year to make a contribution which I think is equal to 20 cents per member into an educational fund for the purpose of putting out educational material dealing with basic political issues. They publish material on the minimum wage. They publish material on the levels of unemployment compensation.

Right now they are getting out material on the Kennedy-McCarthy bill, which is what we hope will be adopted by Congress to meet the problems of the unemployed in America. They publish material on all kinds of legislative matters, and they also publish voting records of the Member of Congress. This money is spent for matters that are purely educational in nature. Then, in addition to that—

Senator MUNDT. If I may interpolate there, that part comes out of the dues money?

Mr. REUTHER. That is correct.

Senator MUNDT. Now go ahead.

Mr. REUTHER. Then each year each affiliated union of the AFL-CIO is asked to conduct a voluntary dollar drive among their respective members.

Senator MUNDT. If I may stop you there, we expect as 1 of the 11 areas to get into in this committee, to get into the political activities of the labor unions, bad, good, or indifferent, in a separate hearing.

Mr. REUTHER. I assumed we were already in that hearing.

Senator MUNDT. I am afraid we are, but I am not trying to get into it. I am trying to stick to the COPE political memo. Unless what you say has to do with financing of the COPE political memo, then I think you should defer that part of the statement to that hearing.

Mr. REUTHER. I am not familiar enough to talk about it.

Senator MUNDT. You are not familiar with the COPE Political Memo?

Mr. REUTHER. I know they have publications. I don't know what you call the COPE memo.

Senator MUNDT. I don't call it that. I get it. It is a 4-page newsletter. It is like Kiplinger's letter that you probably read. It comes out, I think, either once a week or every other week. It is called the COPE Political Memo and is published on nice paper. It is well printed. I want to know how it is financed. That is all. You told me that it is financed—I think you told me—from 20 cents—

Mr. REUTHER. I would think—I don't know the publication; I have never seen that one. There are many things I don't see because I don't read every piece of literature put out by the AFL-CIO. I would

think—I don't want to testify to this absolutely—I would think this is financed out of what is called the educational fund.

Senator MUNDT. Mr. Chairman, on this particular series of questions I am going to wait until after Senator Curtis has asked questions because I am going up to my office and get a copy of this and show it to Mr. Reuther.

Mr. REUTHER. I would be very happy.

Senator MUNDT. I think you should know what is in this since it is being financed from the dues that you assess to the members of the union who have to pay them to work. It is rather important. I am going into that. I have a question or two on another subject and then I will yield to Senator Curtis.

If I understand your testimony on the subject of violence, you were very frank and you said "We got off to a bad start in this business of union organization. We had a lot of roughhousing tactics." A fellow by the name of Bennett in the Ford Co. hired some goons and thugs and you had a lot of fights. I don't know whether you implied that the fault was on one side or another side. I don't care. We do know there was a lot of violence in the early days of union organization.

Mr. REUTHER. I think you ought to care.

Senator MUNDT. Of course I care. I mean for the purpose of this inquiry.

Mr. REUTHER. The LaFollette committee report will show that we were the recipients of the violence. The Ford Motor Co. had thousands of gangsters. They put them right from the penitentiary on the payroll as parolees. The Ford Motor Corp. hired thugs in Chicago and brought them in and beat us up. We were defending ourselves in those days.

Senator MUNDT. I have no evidence to the contrary. I will accept that. Let me ask you this question. Did any of the labor union leaders engage in any violence at all in that era?

Mr. REUTHER. In self-defense.

Senator MUNDT. Always in self-defense?

Mr. REUTHER. I will show you photographs——

Senator MUNDT. I am not arguing. I am simply asking the question.

Mr. REUTHER. I will show you photographs of the overpass at gate 4, 1937, when myself and another group of people were standing on public property and we were beaten up. Here is a picture. Behind here are a group of ministers who went out there with us. Here are the Ford servicemen who came in, beat us up. These are the same kind of people that broke into our homes. We were standing on public property, not private property. We went there to make a distribution. This is the kind of situation. Here they are, these same thugs working over Mr. Frankenstein. This all came out in the reports in that period. Here is the Ford thug with a pair of handcuffs hanging out of his pocket. This is the result of some of these things. Mr. Frankenstein.

The CHAIRMAN. Do these relate to the Kohler strike?

Mr. REUTHER. I don't think they do, Mr. Chairman, except that Senator Mundt was talking about COPE and everything else, and I am quite agreeable.



Senator MUNDT. I want to talk, Mr. Reuther, about your presentation. You covered five areas, and I am trying to cover the same areas you are.

(At this point, the following members were present: Senators McClellan, Ervin, Mundt, Curtis, Goldwater, and Kennedy.)

The CHAIRMAN. The Chair was trying to ascertain whether they should be made exhibits or not. I am not going to make them exhibits unless they are related to the Kohler strike.

Senator MUNDT. I have no quarrel with the witness about anything he says about Ford. I certainly am not defending him. I don't drive a Ford. I drive a Chrysler. And without anybody contradicting it, everything you say about that is correct.

Mr. REUTHER. The Ford Motor Co., thank God, and I said in the record yesterday, Mrs. Edsel Ford and the Ford family are entitled to a great deal of credit. They showed the wisdom and courage to get rid of Harry Bennett and his gangsters.

Senator MUNDT. My question was whether or not in that era union officials had ever engaged in any violence.

Mr. REUTHER. And I say to you that in that period we were fighting defensively. We were fighting because we were being attacked by these mobsters and gangsters.

Yesterday Senator Goldwater, when I was quoting from the La Follette committee, asked me whether there were any specific references in the La Follette committee report to the Kohler Co. I would like, Mr. Chairman, to put into the record now, sections of the La Follette committee findings in 1939 as they relate specifically to the Kohler Co., showing that they had tear gas, had a private arsenal, employed detective agencies, and did, in that period, the same improper things that they are doing in the current strike.

Since this bears upon the Kohler strike, I would like to put it into the record as an exhibit.

The CHAIRMAN. Without objection, it will be received as exhibit 134 for reference.

(The document referred to was marked "Exhibit 134" for reference and may be found in the files of the select committee.)

Senator MUNDT. Now, violence has not ceased to be one of the unhappy repercussions of labor controversies, has it?

Mr. REUTHER. Unfortunately, there are still situations, although they are isolated, where there is violence in a labor-management dispute. Unfortunately, that is true.

Senator MUNDT. There are, you would say, not as many, they are on the decrease, but they still, unhappily, do continue?

Mr. REUTHER. That is right. Actually there are very few, compared to the number of contracts negotiated peacefully, sensibly, and sanely. There are very few incidents.

Senator MUNDT. You are familiar with the 1947 strike in which the UAW had with the mechanics union at Chrysler?

Mr. REUTHER. You will have to say that again. I am afraid I don't follow you.

Senator MUNDT. In 1947 the UAW was associated with the mechanics union in a strike against Chrysler. It is reported you had your international representatives there, and there was violence. I am not alleging that it is your violence. It may have been defensive violence, but there was violence.

Mr. REUTHER. You will have to give us more details. We didn't have a strike with Chrysler in 1947.

Senator MUNDT. You didn't have it. The mechanics union had it and supported it.

Mr. REUTHER. What mechanics' union would that be? MESA?

Senator MUNDT. I will have to check the evidence here to find out exactly.

Mr. REUTHER. I don't know that the mechanics' education association has ever had any collective bargaining with the Chrysler Corp.

Senator MUNDT. Detroit Free Press, December 23, 1947:

Walter P. Reuther, president of the UAW-CIO, guaranteed the full resources of his union in this fight.

This was a local strike of Chrysler mechanics, taking place there in the city of Detroit:

"We have to win this strike," Reuther said at a meeting of 1,200 garage mechanics and local UAW officials in Case Technical High School.

(The witness conferred with his counsel.)

Mr. REUTHER. I don't think that the matter you are referring to relates to the Chrysler Corp. That is what confused me.

Senator MUNDT. That could be. I understood that it did. I am not going to interrogate you about that, but I am simply mentioning as we run along there was another one at Dowagiac, Mich., in 1947, I believe, at the Heddon Co. I don't know whether that is the Heddon Fish and Tackle Co., but the Hedden Fish and Tackle Co. at Dowagiac in 1947, and that resulted in violence.

Can we agree on that without saying who is responsible for it? I am not trying to get into responsibility.

But I am trying to point out that violence has continued beyond the age of the 1930's.

Mr. REUTHER. It is quite obvious. There has been violence in the Kohler strike and the company has been primarily responsible for it.

Senator MUNDT. One of your representatives is Mr. Thomas W. Flynn. Do you know him?

Mr. REUTHER. I know he is a staff member.

Senator MUNDT. He represented the UAW International in the Dowagiac, Mich., strike.

Now I come to another one that I do want to ask you a question or two about in the same general area of history. Are you familiar with the strike record at Clinton, Mich.?

Mr. REUTHER. In a general kind of way. I was not closely identified with that, but I know about it in a general kind of way.

Senator MUNDT. Do you know if Mr. Mazey was present and participated in that strike situation?

Mr. REUTHER. I believe that Mr. Mazey was.

Senator MUNDT. Mr. Mazey has testified before a committee of Congress, that he was, and he testified that he took 400 people with him, for whom he was personally responsible.

(The witness conferred with his counsel.)

Senator MUNDT. Is it the general policy of the UAW in cases of strikes in smaller communities to send in from the outside, and under the direction of an international officer—I wouldn't want to call it an army, but 400 men, that is quite a bunch of men—is that general policy?

Mr. REUTHER. No, it is not general policy, Senator Mundt. If you will look at the record of our union in the past, say, 14 years, since I have been elected the president of this union, you will find that that perhaps has not happened more than twice if more than once. Because this is not policy.

Senator MUNDT. I am simply seeking information. I don't know. In my research and work on this, I came across that and I want to find out.

Mr. REUTHER. I am trying to give you a truthful answer. First of all, it is not policy, and it happened, I think, not more than twice in the last 14 years.

(At this point, Senators Kennedy and McNamara withdrew from the hearing room.)

Mr. REUTHER. Maybe that is the only case. Or 12 years.

Senator MUNDT. Those 400 men, how would they be financed? That is quite a bunch.

Mr. REUTHER. I wouldn't know that. They may have been unemployed. I wouldn't know that. You should have asked Mr. Mazey that question when he was here.

Senator MUNDT. I would have, except that I didn't have this information at that time. But I will give you a chance to comment on something Mr. Mazey said about it and maybe that will help clarify the record.

You don't know who paid their transportation or how it was financed?

Mr. REUTHER. No.

Senator MUNDT. This was apparently before you were active in the UAW?

Mr. REUTHER. No, I was active in the UAW.

Senator MUNDT. Or had a position of responsibility?

Mr. REUTHER. The point is, I made it clear the other day that I just can't be involved in everything. I am just not that good.

Senator MUNDT. Let me quote you what Mr. Mazey said in testifying before the House Committee on Education and Labor, Labor-Management Disputes in Michigan, volume 1, testimony of October and November 1947.

Mr. Mazey is being interrogated. He was asked by the chairman of the committee:

How many pickets were there at Clinton on this day when you went there, approximately?

Mr. MAZEY. I brought 400 from Detroit.

Your testimony is you don't know how he got them or what he paid them or how it was financed, but that this was an exceptional situation?

Mr. REUTHER. I think you probably would find that in that situation, and I am only speculating, that these people were not paid by the international union, I mean the local unions perhaps provided gas money. They were probably unemployed workers. I think that perhaps is what happened. But this is a very unusual situation. I don't think you will find another case like it in the last 12 years. I misspoke myself. When I said 14 years, I meant 12 years. I read a story at noon that said 14, and it confused me for a moment. I have been the president 12 years yesterday.

Senator MUNDT. Continuing the statement :

The CHAIRMAN. Give us an estimate how many were there?

Mr. MAZEY. Probably 550. I didn't count them, so I don't know.

That would indicate that of the 550, 400 came from Detroit (continuing) :

The CHAIRMAN. Now, I continue to read from the Detroit newspaper :

"The demonstration by the Detroit and Toledo locals is just a sample of what is going to happen of this strike." What did you mean by that statement, Mr. Mazey?

Mr. MAZEY. I mean that if the strike was to continue we would bring additional people, thousands if we had to.

At that time was that policy of the UAW, to superimpose on a community thousands of outside strike supporters, if necessary, to win the strike?

Mr. REUTHER. It was not. I think you will find that we have never done that, certainly, in the Kohler strike, where we would have had more of a justification, because it has been the longest and most bitter strike. You can check the people who were on that picket line and they were primarily Kohler workers.

So we certainly have not done this, and this is not our policy. I don't think you can win a strike from the outside. I think the only way you can win a strike is to have the loyalty of the fellows who are on strike.

Senator MUNDT. It would seem that way to me.

Mr. REUTHER. I think so, also.

Senator MUNDT. I am quoting Mr. Mazey, and I don't think he was at a boiling point; he may have been, but I don't know.

Mr. REUTHER. If you think he wasn't boiling in front of Congressman Hoffman, you don't know Congressman Hoffman or Mr. Mazey.

Senator MUNDT. Here is something that would cause a lot of people to boil what Mr. Mazey said at that same hearing. He was going on talking about these strikes, and the speech that Mr. Mazey gave.

Mr. Hoffman said :

And during the course of your remarks over a sound truck, did you say, in substance, "We're going to demonstrate to employers in small towns"—

and I am getting interested in that, you implied that South Dakota was a community of small towns, and you are right—it is a State of very fine, progressive, small towns, and our small towns in this country are concerned about what Mr. Mazey said.

Mr. Hoffman ask Mr. Mazey whether he said; he said :

Did you say in substance, "We are going to demonstrate to employers in small towns that they are not going to push our employees around"?

Mr. MAZEY. Yes, I did, and I meant it.

Mr. HOFFMAN. You meant it?

Mr. MAZEY. Exactly.

Now, it is UAW policy to demonstrate to people in small towns that they are not going to push your employees around?

Mr. REUTHER. It certainly is not, and certainly the Kohler strike in Sheboygan, Wis., is in a small town; the UAW has not taken hundreds of people in there. We have had relatively few people. On one occasion or two occasions, I am told, and this had nothing to do with UAW policy, some of the other labor groups up there had demonstrations to show their support and their solidarity. But certainly

the UAW has never taken large groups of people into a small town, because I don't think that is how you build the union.

I think you build the union by trying to build support for it, and not by bringing people from the outside to overwhelm people.

Senator MUNDT. All right. But you see the problem we are confronted with in this committee. Here is Mr. Mazey, who makes this statement under oath, as you make yours under oath, before a congressional committee, as you make yours before a congressional committee. It is beamed around the country. After he has made it, he is promoted to the No. 2 job in the UAW. I don't suppose in 1947 he had that high a rank. But now what he says has a lot of importance, it causes a lot of concern, it stimulates a lot of letters.

Mr. Hoffman went on:

What did you mean that you were going to show employers in small towns that they were not going to push you around?

Mr. MAZEY. In this particular case in Clinton, people were on strike, and a back-to-work movement was started. Mr. Thomas, the president of the company, along with the Chamber of Commerce of Clinton, Mich.—

You have said that you feel that nonstrikers have a right to work. Mr. Mazey implies that they are going to bring in thousands of people from the big cities, if necessary, to show these small town folks they can't engage in that. I am glad to have you say for the record, and you are the president, and he is only the secretary-treasurer, so in a debate between Mazey and Reuther, I am going to take the opinions of Reuther, and I want it in the record. I am glad to know that Mr. Mazey does not, in his testimony here, if in fact he does not, represent UAW policy.

Mr. REUTHER. Senator Mundt, you will agree in Kohler we did not do that.

Senator MUNDT. I will agree.

Mr. REUTHER. That is exactly the point.

Senator MUNDT. But will you agree that at Clinton you did?

Mr. REUTHER. I am not challenging. I don't know the details.

Senator MUNDT. I made my agreement.

Will you?

Will you agree that in Clinton you did?

Mr. REUTHER. If 400 people came in from the outside, then they did. I will quite agree with that.

Senator MUNDT. And Mr. Mazey made these statements. So I think it would be very bad policy if that were your policy. I am glad to have you say that it is not.

Mr. REUTHER. I think the proof of the pudding is in what we have done the last 12 years. I think that is the only place that you will find where an officer of this union deliberately took in a group of people like that. There may have been local situations where local unions got together. In the Kohler thing there were a few demonstrations. I mean, they merely demonstrated there their support. But certainly in the Kohler thing we didn't take in a lot of outside people in order to build a mass picket line.

There were a lot of Kohler workers in the picket line, but very few people other than Kohler workers.

Senator MUNDT. I am sure you are familiar with the so-called Burns law, the law against importing strikebreakers across State lines?

Mr. REUTHER. I am.

Senator MUNDT. Do you feel that is a good law?

Mr. REUTHER. Yes; I think that is a law that was proper, because there used to be professional strikebreakers who were moved from Chicago, wherever they happened to be located, to the scene of a strike for the purpose of breaking a strike, and I think that was a good law.

Senator MUNDT. I think it is good law, too.

Would you agree that the counterpart is equally desirable, if you are not going to import professional strikebreakers en masse, neither should the union import professional strike supporters en masse?

Mr. REUTHER. Well, they weren't professional strike supporters.

Senator MUNDT. Well, unprofessional.

Mr. REUTHER. Certainly, Senator Mundt, I think ultimately you win or lose a strike based upon the loyalty of the workers involved. The problem in Kohler was that we got the loyalty of the workers but the company is breaking the strike by getting people in to steal their jobs, to take their jobs.

Senator MUNDT. We both agreed that you didn't import strike supporters en masse. You had 15 or 25.

Mr. REUTHER. Out of 3,000 people on the picket line, that was a very small number.

Senator MUNDT. Some lexicographer can describe for us how many people are in a mass. But it seems to me that a counterpart of the situation should hold, and I think it should, that you should not import professional or unprofessional, or effective strikebreakers from the outside, and you should also say that you should not import effective outside strike supporters.

True, you can have some people representing you, Mr. Burkhart, Mr. Mazey, and I think that is proper. But I am talking from the standpoint that these are the people who man the picket lines, and these are the people who carry the signs, and these are the people who conduct the boycotts.

The desire to resist the company should be in the hearts of the people employed there, primarily, and should be manifested by them.

Mr. REUTHER. I think ultimately you are strong or weak depending upon where the workers in that plant stand with relation to the union and on the strike issues itself.

I think at the point you have to get somebody from the outside to do it for you, you are in trouble before you start.

Senator MUNDT. And that holds true equally of the company as for the union?

Mr. REUTHER. That is right. I think that the contest ought to be between the company appealing for the workers to offer their labor under the terms that the company has offered, and the union representing the collective decision of the workers who choose not to offer their labor.

I think that is the contest. The minute, I think, you try to have other people come in to decide the contest, I think you have changed the rules of the game, and I think you are getting into difficulty, whether the union does it or whether the company does.

I think this will be the source of difficulty. In the Kohler situation, if the contest was between the Kohler workers who wanted to

hold out their labor power, and there are still more than 2,000 of them who were working the day the strike started, who were working the day before the strike started, who are still not back in, if the company had to win by attracting those people back into the plant, the strike would have been settled a long time ago.

But what did they do? They go out and hire a fellow who maybe never worked in a factory before, doesn't know anything about the struggle of the Kohler workers, he is unemployed. He has a wife and three kids. He has to eat. So he has the economic pressure driving him. They attract him into the plant. Well, he is stealing a man's job.

I feel quite differently, although I don't feel good about a fellow who worked in Kohler who goes back to work—I think he has betrayed morally his fellow workers.

But he is in a different category than the fellow who comes in there from the outside who is a strikebreaker and who steals a man's job. If the Kohler Co. would have a contest between their ability to attract the workers who formerly worked there back into the plant, and the workers' ability to keep them out, then you would have what I think to be a fair economic contest.

Senator MUNDT. I think to make it fair, though, you would have to concede to the company the right to contract people in the labor pool of that particular community, if you are going to limit them to the ones that were there, some of whom have died, some of whom have left, eventually, of course, they could never recruit a labor force.

You have to let them work in the labor pool close at home.

Mr. REUTHER. I would hope that the strike wouldn't last that long.

Senator MUNDT. People get born and die very fast in the country.

Mr. REUTHER. Senator Mundt, this is the area in which the answer has to be found, to this problem.

Senator MUNDT. That is right.

Mr. REUTHER. I do not condone attempting to win a strike in any town, large or small, by outsiders. I do not think that the—

Senator MUNDT. I am glad to hear you say that.

Mr. REUTHER. And I don't think the management ought to try to win the strike by outsiders. It is the same coin. It is two sides of the same coin. I say that we would have settled Kohler strike a long time ago if the Kohler Co. had to depend upon its production by getting the 2,000 strikers who are still out back on the job. But they went out and they found people. There are always enough hungry people in America, in an employment situation like we have, who are pressed hard enough to steal a man's job.

I say: Look, there are a lot of contemptible things in the world and one of the worst things you can do is steal a man's livelihood. A strikebreaker does precisely that.

Senator MUNDT. I am glad to have you put them on the same basis, and I don't think you and I quarrel very much on that, as a desirability and optimum objective, that the strike should be won by the people in the community and the company involved, and that outsiders, certainly when you are getting them from across State lines, so that if they get in trouble they can't even get extradited as sometimes happens—I think it is much better, and this suggestion that you make makes sense.

You would be helpful to folks like me who don't claim to be experts in this field, but get appointed to jobs like this, if you would have Mr. Mazey keep that boiling point down low enough so he would say the same thing you said.

There isn't any reason I should disbelieve him until you come along and correct the record. I will believe what you have said. But I will accept what he has put into public print as declared policies of the union, speaking as the second top man.

Mr. Chairman, I am happy—

Mr. REUTHER. I think, Senator Mundt, it ought to be said, I think Mr. Mazey is a responsible union leader, and I think he has made a contribution. I think all of us sometimes maybe aren't as discreet perhaps as we would like to be, and if we thought things through twice we might say them differently.

I think it would be unfair to create the general impression that Mr. Mazey is not a responsible officer.

Senator MUNDT. I am not trying to say that.

Mr. REUTHER. He was active in the fighting of the Communists and building our union. I think he has made a great contribution. I think there are times when, like everybody else, he is indiscreet. I am indiscreet sometimes. I think we all are. But I would not want the record to show that Mr. Mazey is not a responsible person, because by and large I think he has demonstrated that he is a responsible person.

Senator MUNDT. Are you implying that I said he was not responsible?

Mr. REUTHER. No.

Senator MUNDT. I am trying to point out that on two different occasions he read things into the record which I happened to come across which I accepted as fact until you came along and said this is his boiling point fiction. I recognize that. I think people do that.

I am happy to yield to the next Senator, Mr. Chairman, except that I am coming back later or this afternoon with a surprise package for Mr. Reuther.

I am going to show him a copy of COPE political memo.

The CHAIRMAN. Well, Mr. Reuther, get prepared for a surprise.

Senator CURTIS?

Senator GOLDWATER. Mr. Chairman.

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. Mr. Reuther, do you know Jess Ferrazza, administrative assistant to Mr. Mazey?

Mr. REUTHER. I do.

Senator GOLDWATER. I show you an exhibit, exhibit No. 74, and ask you if Jess Ferrazza appears on that picture.

(Photograph handed the witness.)

(The witness conferred with his counsel.)

Senator GOLDWATER. I think he is indicated by an arrow saying No. 1.

Mr. REUTHER. Yes; it appears that Mr. Ferrazza is in the center of a group of people there.

Senator GOLDWATER. That is a picture of four men beating a man, one of them using a baseball bat. I am informed that this picture was taken during the Ford strike, I think, in 1941. The man being beaten was the timekeeper, and Jess Ferrazza was one of the men participating



in that beating. Jess Ferrazza is now the administrative assistant to Emil Mazey, isn't that true?

Mr. REUTHER. He is.

Senator GOLDWATER. So in spite of your announced policy of non-violence, it seems that those who engage in violence are promoted to high position in your union, aren't they?

Mr. REUTHER. That picture was taken 17 years ago, at a time when we were fighting life and death with Ford thugs. This picture was taken during the period when the Ford Motor Co. was controlled and operated by a Harry Bennett, who had more gangsters under his direction than any man in the history of America. This is the company—I would like to tell you what happened to me in 1938 in the hands of these gangsters.

This is also back in that period, that far back. If you get the full record of what happened on Miller Road in that period, and this is where that took place, I presume, you will find that we were on the receiving end of 90 percent of the violence. Sure our fellows fought back. What do you want us to do, submit to Harry Bennett's gangsters?

You show me one corporation official in Detroit, either a Ford Motor Co. official, a General Motors official, or a Chrysler official, who was shot in his home by any member of our union. You are looking at a person who was shot by gangsters. You are looking at a person who had his home invaded by the Ford gangsters. They admitted it. The man who beat me up in my own living room called my office many years after, after the Ford Motor Co. had recognized our union, and his name was Mr. Bud Holt. He was one of the Ford gangsters who broke into my apartment with a fellow by the name of Ed Percelli. He couldn't get me, so he talked to my younger brother, who was in his office, and my younger brother called me later and he was very agitated.

I said, "What happened?"

He said, "Well, if what had happened to me happened to you, you would be agitated."

He said that Mr. Holt called up and he said "Look, Mr. Bennett told me to call you up and invite you out for dinner."

My brother said "I don't know you, Mr. Holt," and he said "Yes, you do, I was one of the fellows who broke into your brother's house and threatened to kill him. That was nothing personal. Mr. Bennett just gave me that as an assignment."

We were fighting out there against the gangsters and getting no help from the police. Who were the police department? Go back. They were the kind of people who went to prison for being in league with the underworld.

You drag out a photograph. Sure, this is wrong, but why did we get into this kind of thing?

Because the company was controlled by gangsters, because they beat us up in our homes, they beat us up in public places, and because the police department wouldn't protect us. Go back to Mayor Reading and the superintendent of police, Mr. Fromm, and you will find that they both went to Jackson Prison.

I think there was a Mr. Brooks, the police commissioner of Dearborn, and he was in Harry Bennett's vest pocket; this is the background.

I say the American people have a right to protect themselves, when the law-enforcement officials are in league with the underground, the company.

We have a right to defend ourselves. You show me one corporation official who had his home bombed, or his home invaded, or shot through the window.

Do we have to defend ourselves when we are on the receiving end of this?

There are times when a fellow has a right to be indignant. I say when you try to smear our union, when you have an isolated picture taken back when we were fighting the gangsters and the underworld, sure we fought back, otherwise we couldn't survive. What are we going to do?

Do you want this kind of people to break our union? You put us in a position, Senator Goldwater, where the life of this union is at stake because the gangsters are challenging it, and I will give my life fighting them. This is what made the Ford Motor Co. a decent place to live, the fight our union made.

I watched workers killed in the Ford Motor Co. when I worked there. I think in 1932 I saw a man killed 20 feet from where I worked. When the workers protested this, four big gangsters came in and beat them up in the plant and threw them out on Miller Road. That is what we built a union against. Yet when we have to fight because the gangsters are killing us and beating us up, and you get an isolated photograph and say "Look at the violence," sure, look at the violence.

You find a photograph of Walter Reuther beating somebody up, and I will show you a dozen photographs of Walter Reuther being beat up and shot up.

I mean, let's keep our proportions in our right relationship.

Senator GOLDWATER. I think you are right. Let us get up to date.

Mr. REUTHER. Let us go back 17 years.

Senator GOLDWATER. There was testimony given here that this same Mr. Ferrazza tromped on the feet and shoes of a woman in the picket line and knocked her shoes off.

If we want to get up to date, I will pass you another picture and ask you if you know Donald Rand.

Mr. REUTHER. Yes, I do.

Senator GOLDWATER. Mr. Rand has identified himself in this picture. I believe it is designated as No. 2. This picture shows Donald Rand in front of the picket line or in a position, I believe that picture is, where Mr. Rand has his fist doubled up and there seems to be quite a fight going on behind him.

Mr. REUTHER. I think that there is a No. 2 above Mr. Rand, the line going up to the top of the photograph. I understand that there is another picture that accompanies this that shows that the man in front of Mr. Rand was arrested for disturbing the peace.

Senator GOLDWATER. I was only asking you to identify Mr. Rand.

Mr. REUTHER. I know, but I want the record to show that I know that.

Senator GOLDWATER. That is fine. Do you identify that as showing Mr. Rand?

Mr. REUTHER. I do.

Senator GOLDWATER. Are you aware that the Kohler Co.'s employees were kept from going to work on the morning of May 24, 1954? Are you aware that the picture was taken on that date?

Mr. REUTHER. I am not aware that the picture was taken on that date. I have already testified to the fact that the large numbers of pickets in front of the plant did keep the people from going in and that was found improper and we ceased. I do not know the dates.

Senator GOLDWATER. The same Mr. Rand in connection with this instance and Mr. Cornelius Buteyn has testified that Mr. Rand said, "He would pull out all the stops if we attempted to unload the clay boat."

Officer Zimmerman testified when he tried to open the line Rand told him, "Lay off; we have to try to make this as costly to the Kohler Co. as we can." Chief Wagner observed Rand reactivating the picket line and ordering the truck drivers, "Come on, get out of here. You are just holding up the traffic."

Yet, Rand was promoted in 1956 to be administrative assistant to Mr. Emile Mazey. Mr. Reuther, you defend members and officials of your union who engage in violence and then you on the other hand abhor violence and state your position as being against violence.

Mr. REUTHER. I am told that Mr. Rand, under oath denied that he said that. I accept his word. You know Mr. Conger denied he shot Mr. Deis but Mr. Deis, under oath, said he did. These are things that happened. Mr. Rand denies that he said this.

Senator GOLDWATER. But Mr. Rand was in the picket line. I think we have established that. It was mass picketing.

Mr. REUTHER. The picture does not have a sound track. It does not prove he said this.

Senator GOLDWATER. The picture has nothing to do with the clay boat incident at all. It happened in front of the plant. What I am getting at is, is it your policy to promote people who engage in violence?

Mr. REUTHER. It is quite obvious that is not our policy or I would not be the president of the union.

Senator GOLDWATER. They tell me you are a pretty good scrapper.

Mr. REUTHER. I am a pretty good what?

Senator GOLDWATER. A scrapper, fighter.

Mr. REUTHER. You find a picture where I have beaten somebody up. I have never beaten a man since this union was organized because I have always tried to persuade them. I fought when I was attacked. I fought for my life when the gangsters had me on the floor of my living room beating me over the head with a blackjack and when it broke, they used tables and lamps over my head. I fought them.

I never attacked anybody on the street. I never attacked an employer in his office and home. I have been the recipient. Who do you think this is? Have you got a picture that looks this bad?

This happens to be a fellow who was a member of our international executive board. Where do you think he was beaten up? In his home. By whom? By paid gangsters. Who paid them? One of the automobile companies.

I think if they ever solve the Reuther shooting you will find the same gangsters involved in that. How did they pay these people? They found ways to pay them. This is the other side of the story. The question arises, where did it start.

We did not start it. We have fought for the right to live.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Reuther, I am going to ask you some questions. It is my purpose to explore with you the policy and practice of the leaders of the United Automobile Workers as they relate to the administration of justice.

As you well know, Mr. Reuther, it is only by maintaining absolute respect for the law and administration of justice that any of us, including the United Automobile Workers, will continue as a free nation.

Assaults upon the integrity of our legal system, when engaged in by individuals or by comparatively weak or isolated groups are ordinarily not of sufficient importance or magnitude to become a clear and present danger to the present system of law which upholds our free institutions.

If an organization, however, with the enormous resources and national scope of the United Automobile Workers were to be directed by its leaders into a policy, a regularly established policy of attacking our legal system, our judges, our law enforcement officers, or corrupting or attempting to influence with union funds public officials who are entrusted in the community with the enforcement of the laws, then I say that such activities on the part of such an extremely powerful and large organization would constitute a grave threat to the whole system of law which we as free men rely on.

Now, turning to the Kohler case, that we have been investigating, there has been produced evidence of a number of instances where the UAW interfered with and hampered the processes of law. These Kohler cases do not stand alone.

I have a vast number of published accounts which show what appears to be the program, policy, and practice of the UAW in regard to the administration of justice. If these were just a few isolated violations, it would not be serious. It would be regrettable but not serious. But I think this typifies a general pattern of attitude.

The evidence to date points very strongly toward a settled policy on the part of the leadership and central organization of the UAW which it is no exaggeration to say strikes at the very roots of our Republic. It strikes, in a word, at the integrity of our system of law.

The UAW-CIO is a large and powerful organization and it is well financed. The impact of your policy and conduct in this field is great and it has given me deep concern for a long time. I find that many others are concerned, too.

After Emile Mazey carried out the UAW program by attacking, vilifying, and threatening and intimidating Judge Schlichting, a number of the finest groups in the community took a public stand in condemnation of these attacks.

All of the Catholic pastors of Sheboygan Falls and Kohler Village joined in the condemnation of the leaders of the automobile workers. Let me repeat their words:

There comes a time when silence is imprudent and may be harmful to a community such as Sheboygan, and that time is now. A resident of Sheboygan County has been attacked and severely injured by another man. The attacker was tried in the circuit court and convicted by a jury, of assault with intent to do bodily harm.

Then it goes on to say:

In the face of all these facts, the secretary-treasurer of the UAW, Emile Mazey, closing his eyes to the fact that the injured man was in danger of dying, has accused the judge of obvious bias shown against organized labor.

Continuing the quote:

He even presumed to question whether the judge was qualified to serve as a judge in this community. He has attacked the integrity of a major court of this county and deserves to be called decisively to task for his insolence. Lawlessness is the result in any society of a community, when law and order are disregarded. It is the beginning of anarchy.

That is what the Catholic clergy said.

Now, Mr. Reuther, I believe it is pertinent to point out what the Protestant clergy, the Sheboygan County Ministerial Association said. Here is what they said in part:

A very grave issue confronts the community. It is not the issue of the strike at Kohler. It is the issue of an attack upon the fundamental institutions which undergird our common life.

Then they went on:

But the basic remedy for an attempt to intimidate the court can only be found in the stern indignation of the community. Surely, a leader of labor betrays his fellow workers when he seeks to destroy or weaken that judicial power which is the bulwark of all groups against injustice even by the Government itself.

Destroy the structure of our liberties and the first group to suffer will be the worker.

Now, in addition to some questions concerning the practice of your union seeking to obstruct justice by applying political pressure to obtain executive pardons and resisting extradition, I will have some questions concerning the practice of your union to hinder justice through delaying tactics.

During our current hearings in the Kohler strike, we have received evidence of an attack upon law enforcing agencies. These involve physical attacks upon the police and attacks upon the integrity of judges and law enforcing officers. There are public records of other like instances.

(At this point, Senator Curtis withdrew from the hearing room.)

Senator CURTIS. I shall inquire into the union policies about these things. I shall expect to inquire into the practices of the UAW of contributing to campaigns of law enforcing officers, especially in areas where there is a labor controversy or likely to be.

I shall specifically inquire in reference to this in those cases where the UAW has sent men in from the outside who have been arrested and involved in offenses. I may want to ask some questions concerning the record as to law violations of some of the top men, the leaders of the UAW.

Now, Mr. Reuther, Emile Mazey's attack on Judge Schlichting was played to this committee by tape recording. I understand that it was first delivered at a meeting and later broadcast over the radio. My question is: Was this a United Auto Workers meeting at which Emile Mazey delivered that speech?

Mr. REUTHER. Would you repeat the question, please.

Senator CURTIS. Yes; I will. I have the question right here. Was this a UAW meeting at which Emile Mazey delivered this speech?

Mr. REUTHER. I presume it was a meeting of local 833, the Kohler local.

Senator CURTIS. I believe it has been testified that there were 2,000 people present. Is that estimate about the same as the report you got?

Mr. REUTHER. I wouldn't know that we would be prepared to accept that.

Senator CURTIS. When it was later played over the local radio station, is it true that the UAW paid the cost of the broadcast?

Mr. REUTHER. I understand that has been testified to.

Senator CURTIS. Mr. Reuther, do you know Thomas J. Flynn?

Mr. REUTHER. I said earlier that I did.

Senator CURTIS. You do.

Mr. REUTHER. Yes.

Senator CURTIS. In what capacity was Mr. Flynn employed by the UAW in 1948 during the time of the nylon products company strike at Benton Harbor, Mich.?

Mr. REUTHER. I think that at that time he was an international representative.

Senator CURTIS. How did he receive his employment?

Mr. REUTHER. I am not certain I know what you mean.

Senator CURTIS. How did he get his job as an international representative?

Mr. REUTHER. Oh, I see. He was appointed in accordance with the constitution.

Senator CURTIS. That is by the president and the executive board?

Mr. REUTHER. Technically. In this case he was chosen by the regional director who recommended his appointment and I processed that and it was approved by the executive board.

Senator CURTIS. The general way provided is that the president and the executive board appoint international representatives, is that right?

Mr. REUTHER. Actually, as a practical matter, what happens is that the regional director picks a person from one of the locals in his region. He has a staff quota, he processes the application and unless there is something to the contrary the board approves that.

Senator CURTIS. The appointment comes from the president, does it not?

Mr. REUTHER. Technically, yes; but as a practical matter the man chosen is chosen by the regional director in his region.

Senator CURTIS. For what offenses was Flynn arrested in connection with the nylon product company strike?

Mr. REUTHER. I do not know the details although I do know he was arrested.

Senator CURTIS. The newspapers referred to it as malicious destruction of property. I believe it followed an incident that occurred on October 18, 1948, is that about correct?

Mr. REUTHER. I would not know the exact dates.

Senator CURTIS. Would you know the year?

Mr. REUTHER. I would think it was roughly 10 years ago.

Senator CURTIS. Who were Mr. Flynn's attorneys?

Mr. REUTHER. I wouldn't know that.

Senator CURTIS. Do you know a Nicholas Rothe?

Mr. REUTHER. I do.

Senator CURTIS. And the newspaper accounts indicate that he was the attorney for him.

Mr. REUTHER. If the newspapers report that, I presume it is correct.

Senator CURTIS. Was Mr. Rothe a UAW attorney?

Mr. REUTHER. No; he was not. I mean in that capacity I have not checked. He has done some work for our union. In that situation I am not sure he was acting for the union, the international. I am not certain he was acting for the international union or the local. I would have to check that.

Senator CURTIS. Was the cost of Mr. Flynn's defense borne by the union?

Mr. REUTHER. It probably was but I would have to check the record. This is 10 years ago and I was not directly involved and I would not remember all these details, but we can certainly check that and provide the exact information. I think it is reasonable to assume that it was.

Senator CURTIS. You think it is reasonable to assume that it was?

Mr. REUTHER. I do.

Senator CURTIS. Was his case appealed to the Supreme Court of Michigan?

Mr. REUTHER. I am not certain it was, but there again, it is a matter of what the facts are. I do not know all these details.

Senator CURTIS. Did the UAW pay for taking his case to the Supreme Court of Michigan?

(At this point, Senator Mundt entered the hearing room.)

Mr. REUTHER. If in this first case we paid for his legal defense, I think again it would be reasonable to assume although I can't testify. I can check the record.

Senator CURTIS. You have said it is reasonable to assume that. If you find it different, let us know.

(At this point Senator Goldwater withdrew from the hearing room.)

Senator CURTIS. What decision was set by the Michigan Supreme Court?

Mr. REUTHER. I don't know. I would have to get the facts. Since he was sentenced, they may have modified it; I don't know what the court did.

Senator CURTIS. I will read you a couple of paragraphs here. This is from the Detroit News, July 15, 1951, July 14 date, headline from Benton Harbor, Mich.:

Thomas J. Flynn, CIO-UAW organizer in the troublesome nylon products company strike in 1948 went to prison today. He must serve 18 months to 4 years for malicious destruction of property. Flynn was originally arrested when strikers turned over an auto on October 18, 1948.

He was tried in September and convicted of malicious destruction of property. The case was appealed to the supreme court which ruled against him last April. Flynn said he would appeal to the United States Supreme Court, but he failed to complete the appeal within the specified time.

That article says he was sentenced to an 18-month to 4-year term.

Mr. Reuther, my question is, how long did Mr. Flynn serve?

Mr. REUTHER. I don't know. I would have to look at the record.

Senator CURTIS. You do not know?

Mr. REUTHER. I do not know.

Senator CURTIS. You do not know anything about how he got out of jail?

MR. REUTHER. That is not the question you asked. You asked me how long he served.

Senator CURTIS. I see. He served for a month and a day.

MR. REUTHER. If that is what the record shows that is probably so.

Senator CURTIS. Mr. Reuther, why was it not necessary for Mr. Flynn, your organizer, to serve more than a month and a day?

MR. REUTHER. I am really not competent to answer that because I did not pardon him. You ought to ask the person who pardoned him.

Senator CURTIS. You do not know?

MR. REUTHER. I do not. I had nothing to do with this.

Senator CURTIS. You do not know how it happened that he did not serve but a month and a day?

MR. REUTHER. Senator Curtis, if I knew I would tell you but I do not.

Senator CURTIS. I will read from the Detroit press.

MR. REUTHER. I suppose every story in every paper in the country including the Chicago Tribune tells the gospel truth about the American labor union.

Senator CURTIS. That is what I am trying to ask you.

MR. REUTHER. You are giving me information now. You are not asking me for it.

Senator CURTIS. You said you did not have it.

MR. REUTHER. I know; you ought to go to the official records to find out. Newspapers are not necessarily official documents.

Senator CURTIS. Let me go on. I have listened for 2 days to tell how righteous you are (continuing):

Governor Williams commuted the sentence to time served which was only a month and a day.

Now, my question is: Did the UAW or the CIO attack the court in that case?

MR. REUTHER. I do not know that. As I said before, it is a matter of record. It is 10 years back. We will go back and find out.

Senator CURTIS. I think the record shows that you fight these cases and if you lose you attack the court. Here is the Michigan CIO News for Thursday, April 12, 1951. It is a long editorial by August Scholl. I will not put it all in the record, but here is what he says.

By the way, the Michigan Supreme Court is elected on a non-partisan ballot under the constitution of Michigan?

MR. REUTHER. They are. They are nominated by the parties, but it is a nonpartisan court.

Senator CURTIS (reading):

Republicans in the legislature stick the knife in labor's back and then those who administer and interpret laws twist the knife.

There are indications also, that workers cannot expect justice from the highest tribunal in Michigan, the State supreme court.

Now, what you are doing there is exactly what was done in Wisconsin. You are carrying on a type of program that as these good ministers say, threaten the very things that undergird our way of life.

MR. REUTHER. That is not a UAW publication you are reading from.

Senator CURTIS. I understand that.



Mr. REUTHER. All right. You are talking about the UAW. You said Mr. Mazey carried out a UAW program of attacking a judge and I say that is not true.

Senator CURTIS. Ninety percent of the CIO in Michigan are UAW, are they not? Roughly, isn't that true?

Mr. REUTHER. That is right.

Senator CURTIS. Now, let us go to the next question.

Mr. REUTHER. Let us stop just a minute. Let us not hurry along here. The point is, let us keep the facts straight. The CIO News is not a UAW publication and we have no responsibility or control over its editorial policy.

Senator CURTIS. All right.

Mr. REUTHER. If you want to talk about that, that is your business, but don't say it is the UAW because it isn't.

Senator CURTIS. Ninety percent of their members are your members.

Mr. REUTHER. That is not true, either.

Senator CURTIS. Was Flynn's sentence commuted by the Governor of Michigan?

Mr. REUTHER. I understand it was.

Senator CURTIS. Who was the governor at that time?

Mr. REUTHER. It must have been Governor Williams.

Senator CURTIS. Did you intercede in behalf of Mr. Flynn and ask Governor Williams for clemency in this case or to reduce the sentence in any manner?

Mr. REUTHER. I did not. To my knowledge, no UAW official has every talked to Governor Williams about any of these cases. I think if those cases were handled, they were handled by lawyers through the appropriate channels.

I have never talked to Governor Williams about any of these matters. As a matter of fact, I see him very seldom about anything except legislative matters such as unemployment compensation and these things. To my knowledge, no UAW officer has ever discussed these kind of matters with the Governor of the State of Michigan.

I might say, Senator, the Republicans have kicked all of these things around and the Governor gets more votes every time.

Senator CURTIS. All right, just a minute here.

Mr. REUTHER. This is not a new idea you have. This is an old record that has been broken over and over.

Senator CURTIS. Just a minute. I asked you if you interceded and you said that none of your officers did.

Mr. REUTHER. To my knowledge no UAW officer made direct contact.

Senator CURTIS. The Detroit News on April 30, 1951—and I shall read it:

Emile Mazey, UAW treasurer, and Nicholas Rothe, Detroit attorney, recently came here to ask executive clemency for Flynn.

Mr. REUTHER. It does not prove anything. All I know is that these are legal matters handled by lawyers.

Senator CURTIS. Let me go on. It will be established for anybody who wants to objectively read the record that you do have a consistent, settled program of obstructing justice and intimidating courts.

Mr. REUTHER. Senator Curtis, if you will just pause a moment, the simple facts are that here is a union with 730 some-odd international representatives and to my knowledge, Mr. Flynn is the only international representative who has ever been convicted of a felony while he was a member of this staff. I say this is a pretty good record for any organization.

Senator CURTIS. All right. We have heard about this record and how honest people are for a long time.

Mr. REUTHER. Isn't it true, or is it true?

Senator CURTIS. No. Mr. Reuther, I have before me a copy of the Detroit Free Press for August 16, 1951. The headline says, "Governor opens jail for labor leader." It is under a Lansing headline and here is what it says:

UAW worker, Thomas Flynn, was released from prison by clemency action by Governor Williams. Flynn's case has been a controversial issue for 3 years. He was sentenced to serve 18 months to 4 years for overturning an automobile during a strike August 18, 1948, at the Nylon Products Co., St. Joseph.

Governor Williams commuted the sentence to the time served which was only a month and a day.

Now, Mr. Reuther, my question is, Is that a correct statement of fact?

Mr. REUTHER. As I told you I am not familiar with the details but I do know that Mr. Flynn was pardoned by Governor Williams. I do not know the exact dates, whether it was that period or not. I am not disputing that.

Senator CURTIS. Mr. Williams—

Mr. REUTHER. Mr. Williams is the governor. I am Mr. Reuther.

Senator CURTIS. All right, Mr. Reuther. I have before me another newspaper account. This is from the Detroit News for August 17, 1951. The headline is, "A picketline goon goes free and Soapy pays a political debt."

The story goes on to enumerate some of the facts in the Flynn case and among other things it says this: "There never was any doubt about his guilt." This article concludes with these two paragraphs, and I quote:

The fact of the matter is that Governor Williams has bowed to the demands of his political creditors in the UAW-CIO that he set aside the verdict of the court in this case. His action was taken over the protest of both the prosecutor and the trial judge.

In the words of the prosecutor, he proclaimed a double standard of law, one for ordinary people and one for unionists on the picket line.

Mr. REUTHER. Is that an editorial or a news story?

Senator CURTIS. I presume it is an editorial.

Mr. REUTHER. I thought so. Let me tell you about the editorials the same people wrote about Mayor Reading who went to prison as being on the payroll of the underworld. The same newspaper wrote laudatory editorials about that.

Senator CURTIS. I am not offering the article in evidence.

Mr. REUTHER. Are you just practicing reading?

Senator CURTIS. Was the UAW a political creditor of Governor Williams as stated there?

Mr. REUTHER. Will you repeat that?

Senator CURTIS. Was the UAW a political creditor of Governor Williams as stated there?

Mr. REUTHER. We were not. Governor Williams owes us absolutely nothing excepting good government that we expect from all government officials.

Senator CURTIS. Now, Mr. Reuther, I have a book that has the facts and figures as shown in tables and statements concerning the campaign funds in the 1950 campaign in which Governor Williams was involved.

I want to state first to the chairman and the members of this committee, that the purpose of my inquiry is not to deal with the question of whether or not a political contribution is a violation of law. I am not investigating political contributions. That part of this investigation will come later.

I am bringing this in as it relates to the possible corruption of the administration of justice. The book I refer to is entitled, "The CIO and the Democratic Party," Fay Calkins. This book was published by the University of Chicago Press in 1952. It recites that it is a research project of the Industrial Relations Center of the University of Chicago. The accuracies of the research is attested to as shown in the preface by Frederick H. Harbison, professor of industrial relations and Avery Ceiserson, associate professor of political science, both at the University of Chicago.

Fay Calkins, at the time of writing the book is a research assistant of the national CIO-PAC. On page 130 under the heading of "Fund Raising," it says this:

Since both the State PAC and the State Democratic Party were campaigning for the entire statewide Democratic slate in 1950, it is difficult to disentangle the expenses of the Williams campaign from the others. Party and PAC sources indicate that the total and direct contributions to statewide Democratic candidates amounted to \$328,519.68, and that the CIO unions contributed about \$211,550 or 64 percent of this.

You have testified that 90 percent of the CIO in Michigan are made up of UAW workers.

Mr. REUTHER. That is your testimony. I said that 90 percent were not UAW because we never were that large a percentage of the CIO membership. Steel workers and other unions have large memberships.

Senator CURTIS. You are an officer in the CIO?

Mr. REUTHER. I used to be. There is no CIO now.

Senator CURTIS. What were you at the time of the merger?

Mr. REUTHER. At the time of the merger I was president of the CIO.

Senator CURTIS. Yes. You are the highest official of the CIO in the land?

Mr. REUTHER. I had nothing to do with it if a steel workers union makes a contribution for a campaign.

Senator CURTIS. Is it still your position that the CIO-UAW is or is not a political creditor of Mr. Williams?

Mr. REUTHER. By political creditor I assume you mean that you are entitled to something for your support.

Senator CURTIS. Yes.

Mr. REUTHER. All we get and all we ask is good government. That is precisely why I think you are starting your 1960 campaign kind of early. It just seems to me—

Senator CURTIS. Now, listen, Mr. Reuther—

Mr. REUTHER. This won't work, Senator Curtis. Republicans in Michigan—

Senator CURTIS. Mr. Reuther—

The CHAIRMAN. Just a moment. The Chair has been rather indulgent about these demonstrations. We are here on Government business. This is no place for abuse. I do not know who you are applauding and it makes no difference. I will ask you hereafter to refrain from such demonstration so that we may proceed without interruption.

You are here as a guest of the committee and bear that in mind.

All right, you may resume, Senator Curtis.

(At this point the following members were present: Senators McClellan, Mundt, and Curtis.)

Senator CURTIS. Mr. Reuther, the facts speak for themselves.

Mr. REUTHER. Senator Curtis, we don't—just because some girl who worked as a clerk, a clipping clerk, for a group for a couple of months, writes a book to get her doctors degree, doesn't make that a fact. We challenge these figures.

The people who handle this matter, Mr. Dudley, who is quoted here, made a check and says that these facts are not correct, that these figures are not correct.

You can't just say that they are a fact because some girl wrote this book. Let's be reasonable about what constitutes facts.

Can you swear under oath that these are the facts?

Senator CURTIS. I am not the witness.

Mr. REUTHER. No, but you say they are facts.

Senator CURTIS. Let me go on.

Mr. REUTHER. I think we ought to be fair. Here is a girl that writes a book. She has the right to write a book. But then I have a right to say that when she says these are the facts and they aren't the facts, you shouldn't be able to use them as though they were the facts.

Senator CURTIS. Let me go on.

Mr. REUTHER. I want to know, are we now proceeding on the basis that this is what she claims the facts are?

Senator CURTIS. All right.

Mr. REUTHER. All right. Then I have no argument.

Senator CURTIS. I think her claim is pretty accurate. Let's suppose it isn't 64 percent. Let's suppose it is 30 percent, which would be over \$1,000 coming from one group, and then they go in and ask that the courts of our land be disregarded and that special privileges be given.

Mr. REUTHER. Mr. Curtis, Senator Curtis, would you agree that when the Republican Party at one dinner in Detroit, when Mr. Wilson came, raised \$280,000 from the executives, in 1 night, that that means that the Republicans all belong to General Motors?

Senator CURTIS. Mr. Reuther—

Mr. REUTHER. This is the other side of the coin.

Senator CURTIS. No; it isn't. It has nothing to do with it. It is another one of your political speeches, and I am getting tired of them.

Mr. REUTHER. When a trade union raises money to support people who believe in the kind of government geared to the needs of people, that is evil. But when the corporations support their people, to have the kind of government they want, that is perfectly okay.

I don't believe in double standards.

Senator CURTIS. Neither do I, Mr. Reuther.

Mr. REUTHER. You are practicing double standards, then.

Senator CURTIS. Listen, Mr. Reuther, I stated to the chairman of this committee that the question of political contributions, good or bad, violations of law or not, was not what we were debating, or not what we were inquiring about.

I am inquiring about the interference with the administration of justice as the pattern has shown over a period of years by your group.

Mr. REUTHER. And I want to say that you are reflecting upon the integrity of the governor of the State of Michigan who six times was elected by overwhelming majorities of the State of Michigan.

It is their governor. You may not like him, but they chose him and you have no right to challenge his integrity.

Senator CURTIS. Well, you didn't say anything like that to Mr. Mazy.

Has the UAW supported Mr. Williams in subsequent elections since 1950? Can you answer that shortly?

Mr. REUTHER. The membership of the UAW, through the proper procedures, in joint effort with the membership of other CIO unions through their State councils, have endorsed Governor Williams for reelection each time he ran.

Senator CURTIS. That brings us up to the case of John Gunaca. Mr. Reuther, are you familiar—do you know John Gunaca?

Mr. REUTHER. Well, I stated yesterday that I have never met him and if he walked in the room, I wouldn't know him.

Senator CURTIS. Do you know who he is?

Mr. REUTHER. I know him because of these hearings.

Senator CURTIS. We have received testimony here concerning the fact that Gunaca was brought into Wisconsin by the UAW, that he entered a filling station and took part in administering a brutal beating, and that it happened almost 4 years ago.

You are familiar with that account, aren't you, Mr. Reuther?

Mr. REUTHER. I know about it; yes.

Senator CURTIS. Mr. Reuther, what officers, representatives, or attorneys of the UAW have intervened with Governor Williams to resist the extradition of Gunaca from Michigan to Wisconsin?

(The witness conferred with his counsel.)

Mr. REUTHER. Did you direct a question? I thought you were just reading material. I am sorry.

Senator CURTIS. Certainly I did. I asked you what officers, representatives, or attorneys of the UAW have intervened with Governor Williams to resist the extradition of Gunaca from Michigan to Wisconsin?

Mr. REUTHER. And I testified either this morning or yesterday to the effect that no officer of the UAW had intervened, that this matter was handled by his attorneys. I think this was this morning, with Senator Goldwater, that it was handled by his attorneys, and it was the attorneys' feeling that he could not get a fair trial because of the emotionally charged atmosphere in Sheboygan, and that, therefore, they persuaded the governor to take steps to insure him a fair trial.

And if he can get a fair trial, then he ought to go back to Wisconsin immediately and stand trial.

Senator CURTIS. Who provided the attorney that so persuaded the governor?

Mr. REUTHER. I testified to that this morning. It has been testified to over and over again.

Senator CURTIS. You can do it so much quicker by telling me who did rather than making these speeches.

Mr. REUTHER. We said that the UAW was providing that.

Senator CURTIS. Why withhold?

Mr. REUTHER. Well, if we were withholding it, it wouldn't be in the record 25 times before. I mean, I think we ought to be sensible.

Senator CURTIS. Well, there are a lot of things you don't think sensible, but we are trying to find out about what is happening here.

On July 10, 1955, in the Detroit News, I find an article: "Williams Keeps Kohler Plea for Union's Extradition." It is dated Lansing, July 9, and reads as follows:

Wisconsin's petition to extradite a Mount Clements unionist accused of beating a nonstriker remains in a pigeon hole in Governor Williams' desk. It has been nearly a year, and there is every indication that it will stay there for a long, long time.

Mr. Reuther, this is my question: It is true that Governor Williams hasn't yet granted extradition, isn't it?

Mr. REUTHER. I presume that is true. It certainly was true as of yesterday when we talked about this. I understand that Governor Williams is prepared to sign the appropriate papers as soon as a fair trial can be assured, and Mr. Gunaca, his attorney, has stated to your committee that they are prepared to go back voluntarily if they can get a fair trial.

Senator CURTIS. In the meantime, John Gunaca was to appear as a witness in an NLRB hearing at Sheboygan, and he refused to attend. The matter was taken before Federal Judge Kenneth B. Grubb in Milwaukee.

Judge Grubb ruled that Governor Williams had no right to grant him the request. Judge Grubb's decision was appealed to the United States Circuit Court of Appeals.

My question is: Did the UAW provide Mr. Gunaca with an attorney and the other expense for his appearance before Judge Grubb?

Mr. REUTHER. Well, I don't know specifically when that took place, but I assume that since we said that we were providing him legal counsel, and if it involved legal counsel at that point, I presume it covered that situation.

But I am told by Mr. Rauh that some of your legal facts there are incorrect. I would like to have him straighten the record, if you would care to cooperate.

Senator CURTIS. Well, there was an appearance before Judge Grubb and the UAW paid the expense, is that right?

Mr. REUTHER. I don't know. If there was one, I presume we paid it. I don't know about the appearance.

Senator CURTIS. Am I right, Mr. Rauh, that the matter also went to the circuit court?

Mr. RAUH. Yes, sir, but it was not about what you said it was about. It was about the question of whether he should testify before the National Labor Relations Board, and, in fact, the actual fact of the matter is that the National Labor Relations Board finally admitted they were wrong, and that they had no right to take him into Wisconsin under the circumstances, and he did testify in Iron Mountain, Mich.

Senator CURTIS. All right.

Now, Mr. Reuther, did the UAW provide an attorney and pay the other costs for presenting Gunaca's case to the United States Circuit Court of Appeals?

MR. REUTHER. I said earlier I think that we felt since he had gotten into difficulty because he was asked by a subordinate body of the union to go to Wisconsin, to Sheboygan, that we felt obligated to try to give him a defense so that he could get a fair trial, and that he could attempt to defend himself if he were not guilty, and that therefore I think we, perhaps, have assumed all the costs of any legal matters involved in that procedure.

Senator CURTIS. According to the newspaper accounts, Governor Kohler, of Wisconsin, wrote to Governor Williams urging Gunaca's extradition.

The article states, and this is from the Detroit Times of Saturday, June 30, 1956, "Williams replied that he would continue to withhold action because Gunaca had not been granted a Supreme Court review, said Williams." That is referred to this case before Judge Grubb and before the circuit court.

I will ask you, Mr. Rauh, was an appeal taken to the Supreme Court?

MR. RAUH. Yes, sir. It was taken and certiorari was granted by the Supreme Court. The Labor Board then confessed error, and that there wasn't any right to get him to Wisconsin, and they took the matter over and took his deposition in Iron Mountain, Mich.

Senator CURTIS. You paid the expense of that going to the Supreme Court, did you?

MR. RAUH. I can answer that better. Yes. I was the attorney.

(At this point, Senator Kennedy and Senator Goldwater entered the hearing room.)

Senator CURTIS. All of those proceedings were to resist extradition, weren't they?

MR. REUTHER. It was all part of the efforts of the union to try to get this man a fair trial because we believed that the emotional climate of Sheboygan County was such that the prospects of having a trial that could be found to be unfair was real and great and that therefore we were trying not to stop him from being tried—I mean, let's keep the record clear. I think that Governor Williams felt that in the climate of the local situation this may interfere with the normal processes of justice.

He was perfectly willing, however, to do everything he could. And Mr. Walter Kohler, who was then Governor of the State of Wisconsin, is the gentleman whom we have proposed be the arbitrator in the Kohler strike, just to get back to that for about 10 seconds, and the Kohler Co. has been unwilling to date to accept Mr. Walter Kohler as the arbitrator.

Senator CURTIS. That has nothing to do with the question I asked you.

MR. REUTHER. Your question had nothing to do with the Kohler strike. I was trying to get back to the Kohler strike.

Senator CURTIS. It all relates to your opening statement.

(At this point, Senator McClellan left the hearing room.)

Senator CURTIS. You came in here and opened up all of these things, made the issue of corruption. I contend that the administration of justice has been corrupted.

Mr. REUTHIER. You can't prove it. You can make the contention, but you can't prove it.

Senator CURTIS. I think the record will speak for itself, when we get through here.

You mention Governor Kohler. Your own home town paper, the Detroit News of March 19, 1957, says "It is not true that he could not get a fair trial."

Mr. REUTHIER. Do they say that editorially?

Senator CURTIS. No, they quoted Governor Kohler.

Mr. REUTHIER. Governor Kohler said it?

Senator CURTIS. Governor Kohler said "It is not true that he could not get a fair trial."

Mr. REUTHIER. I don't think a governor could ever say he doesn't think a person could get a fair trial. I think that is understandable.

Senator CURTIS. He is a man of integrity, isn't he?

Mr. REUTHIER. I think he is. But I don't think he would say, "Well, I think you are right. I don't think he could get a fair trial in Sheboygan."

I told Senator Goldwater this morning I am not prepared to say that he couldn't get a fair trial on Sheboygan. But I do believe that there might be a question in peoples' minds, and, therefore, under these circumstances, I think it would be better to move it to another county.

Senator CURTIS. You know United States Senator William Proxmire?

Mr. REUTHIER. I have met him on one or two occasions, yes.

Senator CURTIS. Well, you know about him, who he is?

Mr. REUTHIER. I do.

Senator CURTIS. According to the Congressional Record, on March 18, 1958, page 4094, Senator Proxmire said:

Most regrettable is the one act of particular violence which has been described to me, and which was charged to a man who left the State of Wisconsin and went to Michigan. It is unfortunate that he has not been extradited. I feel very strongly that he should be extradited, because the failure to extradite him constitutes a lack of faith in Wisconsin's judgment.

Do you believe that Mr. Proxmire is a man of integrity and knows of the political institutions in Wisconsin?

Mr. REUTHIER. I think he is. I wish you would read the rest of the things he said about the Kohler Co., and about where he thinks they ought to accept arbitration.

Senator CURTIS. I am not defending—

Mr. REUTHIER. I know you are not defending.

Senator CURTIS. I am not defending the Kohler Co. or anybody else.

Mr. REUTHIER. That is all you do, Senator. You keep making excuses for a company that is in violation of the law. The record will show that you cover up whenever they get their foot in their mouth.

Senator CURTIS. Mr. Reuther, the record will show that is not true.

Mr. REUTHIER. I think it is true, and I think the record will show that.

Senator CURTIS. Well, it isn't. In these hearings, Mr. Schuette, who is an officer, president of the Sheboygan County Labor Council—do you know Mr. Schuette?

Mr. REUTHIER. No, I have never met him.



Senator CURTIS. He testified here, through affidavit presented by Mr. Rauh, and I will quote, "That the overwhelming majority of the people in Sheboygan are wholeheartedly in support of a strike and sympathize with the Kohler union." That particular statement is found on page 2497.

Earlier in your testimony, Mr. Reuther, you agreed to the statement of Mr. Schuette, didn't you?

(At this point, Senator McClellan entered the hearing room.)

Mr. REUTHER. Well, this is the first—Senator Goldwater referred to this statement this morning, and I said that I personally am not in a position to say that a person can't get a fair trial there because I just happen to believe in the average place you ought to get a fair trial.

But I can understand how in the minds of Mr. Gunaca and his attorney they may have doubts. For that reason, since he is the one charged and not me, I think he has a right to follow on the advice of his attorney.

I made that very clear. We are kind of repeating ourselves.

Senator CURTIS. Do you agree or not with Mr. Schuette that the overwhelming sentiment is for the union?

Mr. REUTHER. I would think that the people of Sheboygan, knowing the facts of the strike, and the antilabor attitude of the Kohler Co. and all the other things that they have done, the violence in the 1934 strike and all that, that the average person there who knows the facts would be sympathetic with the workers.

Senator CURTIS. That sort of contradicts these excuses that have been given.

Mr. REUTHER. Nobody is making excuses. I said Mr. Gunaca and his attorney feel that they could get a fair trial in a climate at least charged with emotionalism. That is their decision, not mine.

Senator CURTIS. We have your own union officer, Mr. Schuette—

Mr. REUTHER. He is not our own union officer. You have just conveniently—he is no more our union officer than Mr. Shols' paper was our union paper.

Senator CURTIS. He is the top officer of the CIO and you say the CIO News is not your paper?

Mr. REUTHER. I am told he is an A. F. of L. member. You see, it would be very nice if everything fit into the slot so that the pattern you are trying to fabricate would fit together. But this fellow is an AFL member.

Senator CURTIS. Listen, I am not trying to fabricate anything.

Mr. REUTHER. You are working at it very hard.

Senator CURTIS. No, I am not.

(The witness conferred with his counsel.)

Senator CURTIS. Here we have this—

Mr. REUTHER. He is a member of the Butchers Union.

Senator CURTIS. All right. We have this labor leader.

Mr. REUTHER. Now, we got butchers and automobile workers and plumbers all in one union.

Senator CURTIS. He is this top labor leader in Sheboygan—

Mr. REUTHER. He is the head of the county council there, or whatever they call it.

Senator CURTIS. He speaks of the strong public sentiment in favor of the union in the Wisconsin area. You have expressed your confi-

dence in Governor Kohler. You say it is not true, you couldn't get a fair trial there.

You have expressed your confidence in Mr. Proxmire, Senator Proxmire.

The Detroit News on March 9, 1957, has an article which describes Gunaca's attorneys. They mention William Mazey, brother of Emile Mazey, UAW-CIO Secretary-Treasurer.

Mr. Reuther, has your union borne all of the expense in giving representation to Gunaca in reference to presenting his case to Governor Williams?

Mr. REUTHER. Well, as I said earlier, I think that we are assuming the costs of the legal fees with respect to his case, and if his attorney went to the Governor, or to whomever he spoke, since none of the union officers made contact there, I assume that we paid for the cost of that.

Senator CURTIS. Who are Gunaca's attorneys?

Mr. REUTHER. Mr. Marston.

Senator CURTIS. Who else?

Mr. REUTHER. Mr. Charles Marston.

Senator CURTIS. Who else?

Mr. REUTHER. I think he is the attorney.

Senator CURTIS. Well, it mentioned that William Mazey appeared before the Governor in one of these hearings.

Mr. REUTHER. I think he is in the same law firm. But Mr. Marston is the attorney for Mr. Gunaca. At least, that is what I have been told.

Senator CURTIS. Are they also the UAW attorneys?

Mr. REUTHER. They are not regular UAW attorneys. They have done some work for the UAW.

Senator CURTIS. Have they done some work—

Mr. REUTHER. In this case, Mr. Gunaca chose Mr. Marston, and based upon that arrangement we are paying Mr. Marston.

Senator CURTIS. But they have done work, some work, practically every year, would you say?

Mr. REUTHER. I think that Mr. Marston is on a retainer fee with the local union, of which Mr. Gunaca is a member, local 212. But Mr. Marston and the people associated in that firm have, from time to time, performed certain legal work for the union.

Senator CURTIS. This thing has drug along, and Governor Kohler is out of office, Governor Thompson is the Governor of Wisconsin, and the same Williams is Governor of Michigan.

Mr. REUTHER. That is right, by the choice of the people.

Senator CURTIS. Governor Thompson, according to the papers, the Detroit News of November 7, 1957, wrote Governor Williams again asking for extradition of this man.

Now, I want to refer to an article, very briefly, that appeared in the Ann Arbor News, the 12th of October 1957. It is entitled, "Williams Still Rejecting Wisconsin's Bid for Gunaca."

That article ends with the sentence, and I quote:

If anything does happen to prevent a proper trial of the case, the governor will have a hard time explaining his long delay in granting extradition.

Now, Mr. Reuther, you would agree that it has been a long time that he had denied that extradition, wouldn't you?

Mr. REUTHER. Well, I am learning more about the papers in Michigan than I have known for a long time, but, you see, the problem here is that the Republicans have the paper and Williams has the people, so he gets elected every year. This is the situation.

Senator CURTIS. Would you agree that it has been a long time that Governor Williams has held that extradition up?

Mr. REUTHER. Well, I would think that every reasonable effort should be made to get Mr. Gunaca into the State of Wisconsin at an early date so he can be tried in a situation where his attorney and he personally, as an individual, feel that the climate is such that it will not jeopardize a fair trial, and I think that Governor Williams is motivated by that simple, basic fact.

Senator CURTIS. I asked nothing about Governor Williams' motivation. I asked you if you didn't agree that 4 years had been a long time to hold up an extradition?

Mr. REUTHER. It is a long time to have this controversy. Sure it is a long time.

Senator CURTIS. Yesterday you said that justice delayed was justice denied, didn't you?

Mr. REUTHER. Did I say that?

Senator CURTIS. Yes.

Mr. REUTHER. I think it is a very good way to put it and the person who originated that did very well.

Senator CURTIS. I think so.

Mr. REUTHER. It is not original.

The point is this, that in this case, this could be settled in 5 minutes if the people in the Sheboygan County—and this is the thing you don't seem to understand, Senator Curtis, that this gentleman who spoke as the head of the central body of Sheboygan talked about the city of Sheboygan, but the jury and so forth is pulled from a county, a big county area, and that is the problem that they are worried about, I am told.

It seems to me that when you bring in a representative of labor from the city and he says that overwhelmingly the support of the people in Sheboygan City is with the strikers, and if they pick the jury just from that group that is one thing. But they don't.

They pick it from a bigger, broader group in which the union's position has been presented badly, and I think distorted, and in which there is some feeling.

Senator CURTIS. All right. Now, Mr. Reuther, the fact remains that the close relationship between the CIO activities, of which UAW is a part, and you were a top officer of the CIO and the Governor of Michigan, are close. It doesn't make any difference whether Fay Hawkins missed that by mentioning that as 64 percent, and it should be 34 percent, or what, but in other States of the Union, these things do not happen; a delay of 4 years.

All of these delays have been paid for by the UAW. Have you ever talked to Governor Williams at all about Gunaca?

Mr. REUTHER. I told you I have never in my life talked to Governor Williams or any other official of the State of Michigan about Mr. Vinson, Mr. Gunaca, about any other, about Mr. Flynn, about any of these things.

I have never talked to Governor Williams about these matters.

Senator CURTIS. But the fact remains that the extradition of Gunaca has been delayed and delayed and delayed by Governor Williams who was put in office and kept in office by the union.

Mr. REUTHER. It was delayed by the people in Wisconsin who in 5 minutes can make a shift of the case there and get this behind us. But maybe the Republicans in Wisconsin are cooperating with the Republicans in Michigan.

Maybe they would like to go on 6 more years. They could use it in the 1960 election, too, when this one is behind us.

Senator CURTIS. I want to go into another case where you financed delays.

Mr. REUTHER. Mr. Chairman, I think it is unfair to say. We want him tried immediately.

Senator CURTIS. Get on the phone and call up the Governor and tell him.

Mr. REUTHER. You call up the Governor of Wisconsin and let him get the people in Sheboygan to shift the case, and we will have the trial right away.

Senator CURTIS. If you can demand it the way you want it, you would have it that way. I agree. And I think you so notified Williams.

Mr. REUTHER. Senator Curtis, if you will relax for a minute, I will tell you a few things about politics in Michigan.

Senator CURTIS. Well—

Mr. REUTHER. For every dollar that we have raised to support people like Governor Williams, the Republicans and big business have raised \$10.

Senator CURTIS. All right.

Mr. REUTHER. I say if they elect a governor, we don't go around saying that everybody is corrupt, that their integrity, that they are dealing with the processes of justice.

It just so happens that the people of Michigan got tired of a Republican administration that did not deal with the problems of the people.

It seems to me that the best kind of politics you fellows can play is to go to work on the union employment situation, do something for the farmers, and build some schools for the kids. This is political pay dirt. You are digging where there is no pay dirt.

Senator CURTIS. I am not trying to play politics here.

Mr. REUTHER. You are not playing politics?

Senator CURTIS. No.

Mr. REUTHER. You are reading every editorial of the Republican papers of Michigan about Governor Williams, and tomorrow they will have editorials saying, "Senator Curtis said the same thing we did."

Obviously you are reading editorials.

Senator CURTIS. You are a past master at diverting and attracting attention.

Mr. REUTHER. Are you reading editorials from Republican papers?

Senator CURTIS. The fact remains that you are a political force in Michigan, you used that force, you got a pardon for Flynn, you are using that force and you are preventing Gunaca from going to trial.

Mr. REUTHER. The facts just don't justify that.

Senator KENNEDY. Before you leave the Gunaca case, would the Senator yield?

Senator CURTIS. Yes.

Senator KENNEDY. It would seem to me that in the case of Gunaca there is a disagreement between Governor Williams and the prosecuting attorney of Sheboygan County.

Governor Williams, it seems to me, is of the opinion that in view of the strife from both sides, in view of the rocks being thrown in the windows this week, and in view of the atmosphere, by the testimony this committee has received, there seems to be so much bitterness on both sides I am not sure it would be possible to get a jury who wouldn't have people on it who would vote for Gunaca because he was tied up with the union and against Gunaca because he was tied up with the union.

So it seems to me that the best thing to do would be to have the prosecuting attorney move it to another area. That seems to be the prosecuting Governor Williams has taken in this case.

Mr. REUTHER. That is precisely it.

The CHAIRMAN. Well, let's go ahead.

Senator CURTIS. Now, we will go to another case that your union is connected with. This is a news article, not an editorial.

Mr. REUTHER. I bet you got an editorial coming up.

Senator CURTIS. No. No. All of the facts have been verified and admitted by you. This news article is of February 23, 1956, and headed:

Two UAW officials today were confined to the country jail under 10-day terms for contempt of court following the unsuccessful last-minute effort of their attorney to win suspended sentences. They are: James Doddie, an international representative assigned to local 856 during the Great Lakes Greyhound strike in 1953; and Russell Knowland, chairman of the local grievance committee at the time.

Continuing the quote:

Both were convicted by Circuit Judge Frank V. Ferguson for violating an injunction against mass picketing in the strike. The men, however, were released under bond as futile appeals were taken to Michigan and the United States Supreme Court.

Mr. Reuther, is it true that the union provided attorneys and financed appeals for these two men who were sentenced to but 10 days in jail, to not only the Michigan Supreme Court but the Supreme Court of the United States?

Mr. REUTHER. Again I would like to check the record.

I thought we were going to talk about the Kohler strike. I would have gotten that information had I known it was coming up. But I assume that if the cases of these two men had been processed, that either the local union or the international, or jointly, they must have paid the bill because I am sure that the individuals didn't pay it themselves, because they were involved in a court case growing out of a labor dispute in which they were involved officially in their capacities.

Senator CURTIS. Was that dues money used for that?

Mr. REUTHER. Obviously it is dues money.

Senator CURTIS. What I mean, there was not a voluntary defense fund raised?

Mr. REUTHER. It was dues money obviously.

Senator CURTIS. And money was spent to appeal the case of 2 men sentenced to 10 days in jail, not only to the Supreme Court of Michigan, but to the Supreme Court of the United States. Your far-reaching and powerful and rich organization financed it?

Mr. REUTHER. Senator Curtis, I am sure if you got into that, the thing that was being appealed was not the 10-day sentence. The thing that was being appealed perhaps was some basic constitutional question that we felt was involved in that and it was not just limited to that situation, but could become a legal precedent that would affect us elsewhere.

You must always remember that in our basic concept of jurisprudence, where a judge makes a ruling that you feel begins to transgress the normal boundaries of the area of the law in which he is making his decisions, the way you avoid the erosion of your basic rights of these kind of decisions is to appeal them. That is why we have an appeal procedure.

I am sure if you check, the appeal was not based upon a 10-day sentence. There was perhaps some basic legal question involved and the only way you can test it was to appeal it. I think, as a matter of common sense, a 10-day thing would not be the thing that would take a case to the Supreme Court.

Mr. Rauh says he recalls that case.

Senator CURTIS. I want to ask you this.

Mr. REUTHER. Why don't we set the record straight? Let him state why we appeal it since you made such a great point of that.

Senator CURTIS. State so briefly, Mr. Rauh.

Mr. RAUH. It was appealed because there was a legal question on whether a contempt action could be based on affidavits alone. I think it was the feeling of the attorneys out there, I remember being called by phone, as to whether you could have a legal contempt on affidavits rather than on oral testimony.

That was an important legal question. I think we lost that one.

Senator CURTIS. We always have to find some legal questions to appeal on.

Mr. REUTHER. Don't we have an appeal procedure for the purpose of using it?

Senator CURTIS. I know, but ordinary people cannot finance an appeal from a 10-day jail sentence to the supreme court of the State and then to the United States.

I want a statement, or will you submit a statement, of the total amount of UAW money that was spent in appealing and defending the cases of these two men who were sentenced to 10 days in jail, Doddie and Nolan?

Mr. REUTHER. I think with a little time we can give you that information, and we shall be happy to do so. I think you need to keep in mind that this whole concept of jurisprudence that we have developed, that we borrowed originally from the British system and have refined and built into our own structure, the only way you can prevent the erosion by having local judges or judges at the lower levels of our judicial structure make decisions in areas of law that erodes the basic and fundamental concepts, is to appeal them to the higher courts when you feel that their decision has eroded or moves in the direction of tampering with. This is exactly why we don't

give a local judge final authority. We want his judgment subject to review at a higher level.

This is precisely why the higher level is divorced from political decision, because we want it to be beyond the reach of political decision. So this is our concept.

Obviously a thing is right or wrong, not based upon the amount of money you spend, but based upon the principle you are defending.

The CHAIRMAN. The witness will submit the statement of the expense involved. It will be placed in the record at this point so he who reads may be governed accordingly.

Mr. REUTHER. We shall supply the information, Mr. Chairman.  
(Information referred to follows:)

*Great Lakes Greyhound v. International Union, UAW, etc., Local Unions Nos. 656, 417 and 563 of International Union, UAW-CIO, Leo H. Russell, A. James Doddie, Russell Nolan, Jos. McCusker, Charles Luckett, Charles Riddick, James Cooper, Kenneth Thompson, David A. Rogers and Wm. McAulay*

Following is list of charges made by Rothe, Marston, Mazey, Sachs & O'Connell in the above action:

Statement dated:

July 1953 (May services)-----	\$637. 50
July 1953 (June services)-----	210. 00
August 1953 (July services)-----	705. 00
February 1954 (December 1953 services)-----	105. 00
September 1954 (August services)-----	225. 00
November 1954 (October services)-----	180. 00
January 1955 (November 1954 services)-----	15. 00
January 1955 (December 1954 services)-----	52. 50
May 1955 (April services)-----	112. 50
Total -----	2, 242. 50

Senator CURTIS. This Detroit News article of February 23, 1956, goes on to say:

Attorney Nicholas Rothe surrendered the two men to Ferguson late yesterday—meaning the judge—but he warned that their commitment now would only arouse Greyhound workers.

He said after all these appeals are taken, you should not put the men in jail now because it would just arouse Greyhound workers. He goes on to say:

Peaceful labor relations had existed at the company since the strike was settled nearly 3 years ago. Putting them in jail will only cause ill feeling.

That argument has a familiar ring to me.

Quoting again from your hometown paper, the Detroit News, of March 22, 1958—and this one is about you, Mr. Reuther—

Mr. REUTHER. Senator Curtis, pardon me before you move on. I would like Mr. Raub, who knows about that case, to tell you precisely what happened. The only trouble is that the Detroit News only reported part of this.

Senator CURTIS. I want to ask you about this.

Mr. REUTHER. Don't you want us to comment?

You just read the Detroit News as though it were lifted right out of the Bible.

Senator CURTIS. I do not care to have a legal treatise on all of these things.

The CHAIRMAN. No comment. Proceed with the question.

Mr. REUTHER. If you want to editorialize and use the Detroit News as a source of reliable information, I can't stop you. I suppose that is covered by the four freedoms.

Go ahead.

Senator CURTIS. We are not concerned about the legal arguments in these things. Mr. Rauh is a very learned lawyer. We are not disputing with the courts on these things. We are showing the pattern and program of the UAW and where you spent money and for what purposes in delaying these things. This article here says:

UAW president—

Mr. REUTHER. What paper is that?

Senator CURTIS. This is the Detroit News, March 22, 1958.

Mr. REUTHER. I just want to know it is my hometown paper, that is all.

Senator CURTIS (reading):

UAW President Walter Reuther had—

the title of the article is "Seeks To Halt Perfect Circle Strike Inquiry." It is referring to this committee here. In that article I find this statement:

UAW President Walter Reuther has opposed the proposed hearings on the ground that they would disturb now friendly union-management relations at Newcastle.

Mr. Reuther, have you stated that you were opposed to this committee going into the Perfect Circle strike because it would disturb friendly relations at Newcastle?

Mr. REUTHER. Are you asking me if I am opposed to it?

Senator CURTIS. No. I have said, have you stated that you were opposed to this committee going into the Perfect Circle strike because it would disturb friendly relations at Newcastle?

Mr. REUTHER. I have never stated that publicly, and therefore no newspapermen could have gotten that. It is like a lot of other stories. I read stories in the Detroit News or some other Detroit papers last week that I advocated the abolition of your committee. I have never done that. The point is that these are the stories.

Senator CURTIS. Did you make any public statement?

Mr. REUTHER. About the Perfect Circle strike?

Senator CURTIS. Yes.

Mr. REUTHER. As it relates to your committee?

Senator CURTIS. Yes.

Mr. REUTHER. To my knowledge, I have never publicly discussed the Perfect Circle strike as it relates to the functions of your committee.

Senator CURTIS. Have you said so privately? This does not say it is a public speech.

Mr. REUTHER. I have discussed it with officers of our union, and I happen to share the point of view, and I think it is the point of view of the company, that we came out of a bad situation there. I think we have made progress in our relationships. We are going into another set of bargaining sessions.

I think to get people down here to talk about the sins of the past, I think both the union and company made mistakes in that situation, would just open up new wounds, create old bitternesses. I don't think that is the way you build labor-management relations in America.

Senator CURTIS. All right.



Mr. REUTHER. Nor do I think that the future of America is going to hinge upon whether you make it more difficult for us to get another bargaining agreement down there by opening up all these old wounds.

I have never said that publicly, and therefore nobody could write a story indicating that I had said that publicly.

I might say that there are many other stories you will read from Detroit papers, and their editorials, that are a long way removed from the actual facts.

Senator CURTIS. I am bringing them in merely to ask you about them. This record will be judged upon what you say here. There is a striking similarity to the other pronouncement that these men ought not go to jail because it would disturb friendly relations.

Mr. REUTHER. I do not understand, Senator Curtis, how you can go through those kind of mental gymnastics and relate the question of whether an attorney in a courtroom asked the judge for mercy along with the company—I am told by Mr. Rauh when these fellows were sentenced—that and my attitude about the Perfect Circle strike. How do you get from one to the other one so fast?

Senator CURTIS. It is a whole pattern all the way through.

Mr. REUTHER. In your mind.

Senator CURTIS. If someone is arrested, he is defended and defended and he appeals on up to the end. If it is decided against him, there is an attack upon the courts.

Mr. REUTHER. I challenge that.

Senator CURTIS. I have some more cases.

Mr. REUTHER. I said this morning that I thought Mr. Mazey was indiscreet. I said to Senator Goldwater and I say it again, that as far as I am concerned I do not think you challenge the integrity of the court. Our lawyers felt the sentence was severe, but that does not justify, I think, in my mind any challenge of the court's integrity. I disagree and I disassociate myself with any remarks in that direction. I said that.

Senator CURTIS. Your disagreement—

Mr. REUTHER. You keep sayings this is the UAW program; UAW program and UAW pattern, and it just isn't true.

Senator CURTIS. Now, Mr. Reuther, the UAW record is written day to day by the people that carry it out. Their record is not changed by what somebody comes before a senatorial committee and presents what he says are his individual views.

Mr. REUTHER. Senator Curtis, the point is that you have one judge who was criticized by an officer of the union in a bad situation with a union that has a record of twenty-some years, with roughly a million and a half members, with contracts with 2,600 companies. It seems to me—after all, the attack in Michigan was by Mr. Scholl, not by an officer of our union.

How many other situations—supposing there are 3 or 4 others that you have not mentioned yet in a period of 20 years with this many people involved, do you say that these isolated instances, even though I disagree with them, represent an established pattern for our union?

I don't think you can prove that.

Senator CURTIS. I do not think they are isolated. We will let the record speak for itself.

Mr. REUTHER. There are people who criticize the Supreme Court decisions. Does that mean they are tampering with the whole structure of justice?

There are governors who hire people to come to Washington to intervene on the decisions of the Supreme Court, does that mean they are challenging or tampering with justice?

Senator CURTIS. Will you let me go on?

Mr. REUTHER. That is why we live in a free country, we have a right to challenge the decisions of the Government.

Senator CURTIS. This article goes on and says:

Judge Ferguson, who ordered the unionists into custody by the sheriff's office, was rebuked for his actions in a printed press release handed newsmen by Joseph McCusker, UAW regional director and members of the executive board.

Mr. Reuther, you know Joseph McCusker, do you not?

Mr. REUTHER. I do.

Senator CURTIS. This news release said in part, and I quote—this is at the time that Judge Ferguson says that these two men should go to jail. Your organization handed out the press release, and this is what it said:

A vindictive judge has had his own way. It is pertinent to point out that Judge Ferguson is a brother of Homer Ferguson, Michigan Republican, who was retired from the United States Senate in 1954 by the people of Michigan. Nolan and Doddie then are being surrendered to serve jail terms to satisfy not justice but a judge.

Mr. Reuther, that is hard to believe. It is another case of the UAW attacking a judge in the performance of his duties. It is not any wonder that fine citizens such as the Catholic clergymen, the Protestant ministers, and other groups are alarmed at the conduct of your union.

Mr. Reuther, I want to ask you—

Mr. REUTHER. I will say, Senator Curtis, that there are just a lot of wonderful clergymen from all three religious faiths who are not alarmed with the conduct of our union, who think our union is a decent clean union in the forefront of the fight for social justice in America. I happen to know a lot of clergymen. I happen to enjoy the friendship of a lot of people high in the church of all three religions. I think the overwhelming majority of our membership are good church people.

Senator CURTIS. I know they are.

Mr. REUTHER. I don't want to make it look that you have suddenly discovered that all the church people in America are opposed to our union because that is not the truth.

Senator CURTIS. I have never said anything like that.

Mr. REUTHER. I know, but you would like to imply it.

Senator CURTIS. I have said it is no wonder that such fine citizens as Catholic clergymen and Protestant ministers and other groups, we have them in the record here as part of the Kohler hearing.

Mr. REUTHER. Mr. Mazey apologized. It seems to me that the Christian thing to do is to accept the man's apology when he makes it. You people want to extract every ounce for political advantage, but it won't work. You have to work with the plight of the farmers and the workers and others.

Senator CURTIS. Up to a moment ago we had to listen how righteous you were. Now you make another speech.

Mr. REUTHER. You show where I hurt somebody or hit somebody or where I was corrupt and I will be willing to defend myself. You read one editorial after another. These are the same ones who praised Mr. Redding and he went to prison as being tied with the underworld. They praised him as a champion of civic virtue. They were just as wrong when they wrote editorials about Governor Williams as they were when they praised Mayor Redding.

What makes you think they all have halos because they write editorials?

Senator CURTIS. I am trying to go on with the hearing.

You referred to Mr. Mazey's apology. I want to read to you a telegram of Rev. T. Perijohns, minister of the First Methodist Church, which was sent to Mr. Mazey in care of this committee.

Mr. REUTHER. Has that been put into the record before? I have read it into the record. We might save the time of the committee.

Senator CURTIS. It was put in the Congressional Record?

Mr. REUTHER. I mean it is in this record, too.

The CHAIRMAN. That telegram has not been placed in this record, according to my recollection.

Senator CURTIS. No. [Reading:]

Your telegram of apology of your irresponsible reference to the clergy of Sheboygan arrived too late to be of consequence. In fact, it is 2 years too late.

The entire telegram can be found on page 4817 of the Congressional Record.

Now, Mr. Reuther—

Mr. REUTHER. I would like to say that Father Carroll in Sheboygan said he accepted the apology in the same spirit in which it had been made. It seems to me when a man says something that is indiscreet and he apologizes publicly, there ought to be enough sense of just simple decency to accept that.

We have letters from clergymen also expressing their point of view, but we are not trying to exploit them. They don't all agree with the Methodist minister whose telegram you read, and there are people in the Methodist Church who don't. That is why we have a tremendous country.

Senator CURTIS. Let us go on. You are trying to make a speech all the time. I have been trying to ask you for a long time, will you secure an official copy of Joseph McCusker's release that he handed out concerning Judge Ferguson, so it can be placed in our record at this time?

Mr. REUTHER. I think we can accommodate you on that. We shall be happy to do so.

(At this point, the following members of the Senate Select Committee are present: Senators McClellan, Kennedy, Mundt, Curtis, and Goldwater.)

The CHAIRMAN. All right. It is ordered. The witness will supply the document requested by Senator Curtis. It will be printed in the record at this point. The Chair is hopeful that it is a brief document.

I haven't seen it, and I may be taking some chance in ordering it printed in the record.

(The document referred to follows:)

INTERNATIONAL UNION, UNITED AUTOMOBILE,  
AIRCRAFT AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,  
*Detroit, Mich.*

For release: Thursday, March 23, 1956.

The following statement was released today by Joseph McCusker, codirector of UAW Region 1A:

"A vindictive judge has had his way and James Doddie and Russell Nolan are being surrendered to the court to serve 10-day jail terms ordered by the judge, Frank B. Ferguson. Obviously it's pertinent to point out that Judge Ferguson is a brother of Homer Ferguson, Michigan Republican who was retired, with labor's help, from the United States Senate in 1954 by the people of Michigan.

"The crime these two men committed was that they maintained a picket line at the garage of the Great Lakes Greyhound Lines during a strike called by UAW Local 656. The strike was called because the company had failed to meet health and safety standards in building a new garage. It was settled when the company, admitting the merit in the union's demands, spent \$74,000 to eliminate the hazardous conditions.

"This crime was committed 2 years ago. The settlement was reached 2 years ago. Amicable relations have existed between the UAW and the company since.

"Both Great Lakes Greyhound and the UAW asked that the charges against Doddie and Nolan be dropped when the strike was settled. Judge Ferguson refused.

"Nolan and Doddie, then, are being surrendered today to serve 10-day jail terms to satisfy—not justice—but a judge."

The CHAIRMAN. Proceed, Senator Curtis.

Senator CURTIS. A portion of the news release that the UAW released, says, in reference to the judge;

The men are being surrendered to jail terms to satisfy not justice but a judge—and it appears somewhat misleading in some other respects.

Judge Ferguson pronounced sentence, I think, in this case in 1953. So it couldn't have been a matter of revenge.

Mr. Reuther, is the newspaper entitled "United Automobile Workers" the official paper of your union?

Mr. REUTHER. It was at that time; yes. I am sure.

Senator CURTIS. And at that time did it speak for your union?

Mr. REUTHER. Well, it certainly was the official paper of our union.

Senator CURTIS. Well, the April 1956 edition has an article in it about the same case. It is entitled "Judge Ferguson has his way. Two unionists serve terms."

I will read the first paragraph in the article:

Detroit Circuit Judge Frank Ferguson, a brother of Homer Ferguson, ex-GOP senator from Michigan, retired from the Senate in 1954 by the people of Michigan, gained a measure of revenge late last month.

Mr. REUTHER. That is the same press release. I am sure.

Senator CURTIS. No; this is the article that appeared in—

Mr. REUTHER. I think when you get the press release, I think you will find that this is the same press release.

Senator CURTIS. And that press release—

Mr. REUTHER. The story was probably written on the basis of the press release.

Senator CURTIS. And that press release was by Joseph McCusker, was it not?

Mr. REUTHER. That is what you say, and I presume that is correct.

Senator CURTIS. What position did he have in your union at that time?

Mr. REUTHER. He was a regional director.

Senator CURTIS. And in your own official paper at that time "gained a measure of revenge last month."

I submit that accusing a judge of pronouncing a sentence for revenge is an attack upon the courts. In fact, it is an attack upon our very governmental laws.

I want to touch just briefly on another case where the UAW attacked a judge. This article is from the Supreme Court—I might say that many people have criticized courts, but I am talking about the vilification of the judge challenging his integrity and that manner of thing, such as it says here, "a measure of revenge."

This article from the Toledo Blade, dated May 20, 1950, is an account of a meeting held in which Mr. Richard Gosser's actions were in question.

The paper reports that the meeting had an estimated crowd of 2,000. I don't want to go into all that the meeting was about, but that article has this in it:

The meeting also produced this action: An attack was made by Mr. Mazey on the Sixth District Court of Appeals, singling out Judge Irving Carpenter for reversing the ruling in connection with the inspection of the books of the Automotive Workers Building Corporation.

(At this point, Senator Ervin entered the hearing room.)

Senator CURTIS. Here you have it again, a huge meeting of 2,000 people, and Mr. Mazey makes an attack upon the court. He singles out the judge. Mr. Mazey is not an individual. Mr. Mazey is the second in command in the UAW.

Now, in the Michigan CIO News on April 5, 1951: "Emil Mazey, UAW secretary-treasurer said, 'The Toledo Blade, I charge, owns and controls Judges Fess, Carpenter, and Cahn. These judges did not have the courage and the intestinal fortitude to stand up against this newspaper because it happens to be a monopolistic newspaper in that city. The judges feel they can't get elected if Paul Block, Jr., won't support them.'"

Mr. Reuther, we could go on indefinitely into some of these things. The obstruction of our judicial processes by the UAW is not limited to attacks and vilifications upon courts and judges. Part of the pattern is physical attacks upon police officers. The evidence was produced here in the Kohler hearings, and it is my recollection that every police officer that was asked about it stated that he had been roughed up.

Mr. Reuther, what office did you hold in the UAW in 1948 at the time of the strike in the Chrysler plant in Detroit?

Mr. REUTHER. 1948? I was the president of the UAW.

Senator CURTIS. I beg your pardon?

Mr. REUTHER. In 1948 I was the president.

Senator CURTIS. The New York Times of May 18, 1948, carries an article entitled, "Chrysler pickets clash with the police. Violence flares and threats of strike by 225,000 at GM on May 27 to start."

Mr. Reuther, what union was involved in the General Motors labor controversy in 1948?

Mr. REUTHER. What was the date of that, Senator Curtis, that clipping?

Senator CURTIS. What union was involved in the General Motors labor controversy in 1948?

Mr. REUTHER. There was no GM——

Senator CURTIS. Chrysler.

Mr. REUTHER. Chrysler?

(The witness conferred with his counsel.)

Mr. REUTHER. I was asking because that is the one strike that I was not involved in, with the major big three, because it took place with the Chrysler Corp., between our union, for 14 days at the very time that I was fighting for my life after having been shot at that time in 1948.

I was not involved in that strike.

Senator CURTIS. What union was it, was the question.

Mr. REUTHER. The UAW.

Senator CURTIS. I want to read from the same New York Times article, a couple of paragraphs:

Governor acted in Highland Park fracas after Mayor Norm Paterson advised him that the local police were unable to cope with the situation. About 15 officers of the local force were roughed up, the mayor reported.

The Detroit Times on May 17, 1948, carries a picture, the heading of which is, "Pickets fight police." It refers to the violence in the Chrysler strike.

The news article on page 1 has this statement, and I quote:

State police were ordered to Highland Park plant of the Chrysler Corp. today after four persons had been injured in a clash between local police and the UAW-CIO pickets.

I want to ask you, Mr. Reuther: What are the flying squadrons?

(The witness conferred with his counsel.)

Senator CURTIS. What are the flying squadrons?

Mr. REUTHER. Well, I explained earlier this morning that in the earliest days of our union at a time when the Detroit Police was corrupt, when the Commissioner of Police was on the payroll of the underworld, when the mayor of the city of Detroit was on the payroll of the underworld, when they both went to Jackson Prison, and when the police department of the city of Dearborn was completely under the control of Harry Bennett, we organized flying squadrons to protect our lives in the early days, and when that period was behind us, the flying squadrons went out of existence.

I think there aren't more than a couple of local unions that have them, essentially in name only.

Senator CURTIS. When was the period over, that you referred to?

Mr. REUTHER. I think you will find that most of the flying squadrons were behind us—well, I would think 12 years ago.

Senator CURTIS. If you were going to fix a time when you would say that the use of violence, and I mean clubs and guns and beatings—

Mr. REUTHER. We have not used guns.

Senator CURTIS. On the part of management by their goons, in the Detroit area, when did that end?

(The witness conferred with his counsel.)

Senator CURTIS. My question is: When did it end? Mr. Reuther, my question is: When did it end?

(The witness conferred with his counsel.)

Mr. REUTHER. Well, Mr. Ken Morris, who is our regional director on the east side of Detroit, who, by a miracle was not killed, because they beat him over the head with iron pipes—these were the paid gangsters, paid by an employer in the city of Detroit. This happened in 1947. I was shot in 1948 and my brother was shot in 1949.

This is my brother.

(The witness displays a photograph.)

Mr. REUTHIER. He was shot in his home, not in a picket line, not out where he was stomping on people, but shot through the window of his own home when he was sitting in the room with his wife. This was 1949.

So you ask me when he abolished all these flying squadrons? As the violence inflicted against our union receded, we did not need these flying squadrons.

Senator CURTIS. Mr. Reuther, you got lost in your own speech and your pictures.

The question was: When do you say that there was an end on the part of using violence by management in the Detroit area?

Mr. REUTHIER. Well, I have just showed you that in 1947 Mr. Morris was beaten up, in 1948 I was shot, and in 1949 my brother was shot.

Senator CURTIS. That isn't my question.

Mr. REUTHIER. If you will be——

Senator CURTIS. You have indicated that there was a period of trouble behind you.

Mr. REUTHIER. Senator Curtis, if you will demonstrate just a small percentage of the same concern to help find out who shot me and my brother, then you will get the answer to your question. You spend a lot of time about 2 fellows who got 10 days in jail.

I was shot. My brother was shot. Mr. Morris was beaten up within an inch of his life with iron bars. Why don't you ask your committee to go to work on that? That is in the field of labor-management relations.

You have never suggested that that happen, I understand.

Senator CURTIS. You don't know what I suggested.

Now, you accuse me of spending a lot of time on men that were sentenced to 10 days in jail. The UAW spent 3 or 4 years on that, took it to the Supreme Court.

Mr. REUTHIER. Because there was a legal principle involved.

Senator CURTIS. There always is.

The CHAIRMAN. Can we close on that and resume tomorrow?

The committee will stand in recess until 10:30 in the morning.

Tomorrow we will proceed to the end of the day or to the end of the hearings, whichever comes first.

(Whereupon, at 5:25 p. m., the committee recessed, to reconvene at 10:30 a. m., Saturday, March 29, 1958.)





# INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

**SATURDAY, MARCH 29, 1958**

UNITED STATES SENATE,  
SELECT COMMITTEE ON IMPROPER ACTIVITIES  
IN THE LABOR OR MANAGEMENT FIELD,  
*Washington, D. C.*

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Pat McNamara, Democrat, Michigan; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; John J. McGovern, assistant counsel; Ruth Young Watt, chief clerk.

(At the convening of the session, the following members are present: Senators McClellan, Goldwater, and Curtis.)

The CHAIRMAN. The committee will come to order.

Mr. Reuther, will you resume the stand, please, sir?

## TESTIMONY OF WALTER P. REUTHER ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

Mr. REUTHER. Mr. Chairman, I have a short statement here that bears upon a very vital legal point as it relates to the—Mr. Chairman, if I might inquire, I don't know whether your committee has time and a half provisions for Saturday work or not, but I would like to know that before I get started.

The CHAIRMAN. No, sir; we haven't, and I think organized labor ought to take an interest in the Congress of the United States and insist that we get paid for overtime.

Mr. REUTHER. I made the inquiry because I am very sympathetic with your problem. In all seriousness, Mr. Chairman, I do think that the record ought to be set straight on what the union feels to be a very vital legal point as it bears upon the status of the Kohler strike. If I might, I would like to read this very short statement and put it in the record because it bears upon a matter that both Mr. Kohler and Mr. Conger touched upon, and I think it is a matter which ought to be clarified. It deals with the question that came up, I understand, in Mr. Kohler's testimony that the company legally could not sign an agreement with the UAW. If I might, it is a

very short statement, and I would like to read it, because it is a point of great importance because it does bear upon the equity of the more than 2,000 Kohler workers who still are on strike.

(At this point, Senator Mundt entered the hearing room.)

The CHAIRMAN. If I understand, what you are doing is submitting a legal opinion that would tend to refute the claim of the Kohler Co. that it could not legally sign a contract with the UAW now since the UAW does not represent a majority of its employees?

Mr. REUTHIER. That is correct.

The CHAIRMAN. Is that the point?

Mr. REUTHIER. That is correct. It is a very short statement.

The CHAIRMAN. Is there objection to hearing the statement? It is not evidence. It is actually argument on a legal question.

Mr. REUTHIER. Thank you, Mr. Chairman. The statement reads as follows, and I will quote.

Mr. Chairman, there is one point concerning the Kohler strike which requires clarification. I understand that both Mr. Kohler and Mr. Conger have taken the position before this committee that it would be illegal for the Kohler Co. to sign an agreement with the UAW at this time. We say categorically that they are wrong. We say categorically that it is entirely legal for the Kohler Co. to sign an agreement with the UAW at this time. Indeed, the UAW is the only bargaining agent with which the company can legally sign an agreement.

This is a vital point in this inquiry. If the company is right, a new and serious flaw in the Taft-Hartley Act has been uncovered. If, as we believe, however, the company is dead wrong on this point, then your committee has had exhibited to it the final and unequivocal proof of the company's efforts to avoid a settlement with our union.

Now let's look at the legal situation briefly. On June 19, 1952, the UAW was certified by the National Labor Relations Board as the exclusive collective bargaining agent of the Kohler production and maintenance workers.

On February 23, 1953, the union and the company entered into a collective bargaining agreement. On April 5, 1954, the union went out on strike. But our union is as much the legal collective bargaining agent for the Kohler workers today as it was the day we were certified, or the day we signed the 1953 agreement with the company, or the day we went out on strike.

Once a union is certified as the collective bargaining agent, it remains the collective bargaining agent unless and until decertification proceedings are instituted and are successful.

No such decertification proceedings are possible here because of the pending unfair labor practice charges against the company and the trial examiner's findings sustaining those charges.

We believe the company knows this to be the law. But if there is any doubt about this, I think your committee ought to resolve that doubt immediately by getting the opinion of the NLRB on the single relevant question of whether the company may legally sign an agreement with the UAW today.

Your committee has already obtained the opinion of the NLRB on the minor matter of the meaning and effect of a consent decree relating to the boycott.

We propose now that your committee get the opinion of the NLRB on this major matter of whether it would be legal for the Kohler Co. to sign an agreement with the UAW at this time.

We request that you call the appropriate NLRB official before this committee on Monday to resolve this point before you terminate the Kohler hearings.

If the NLRB representative should take the position that we are no longer legally entitled to contract for the Kohler workers, then a serious legislative problem is presented to your committee. If, as we believe, however, the NLRB takes the position that it is legal for Kohler to sign an agreement with the UAW at this time, then the Kohler Co. will stand further exposed as a feudal, antilabor company seeking at all costs, and illegally, to avoid entering into a contract with an honest, democratic trade union chosen by the Kohler workers and legally certified, as the collective bargaining agency by the United States Government.

Mr. Chairman, this is a very serious matter, because if the company's position is legally supported, then, in effect, the law would mean that a company that refuses to bargain, as this company has refused to bargain, and as they have been so found by the trial examiner of the National Labor Relations Board after gathering more than 20,000 pages of sworn testimony over more than 2 years of hearings, then, in fact, it would mean that the law would enable a company to defy the letter and spirit of the law and refuse to bargain in good faith, and while refusing to bargain in good faith, it could then attempt to employ strikebreakers to displace workers legally on strike and do such things with immunity.

We think that this is not the meaning of the act. Yet the officials of the Kohler Co., both the president, Mr. Kohler, and Mr. Conger, who really is responsible for directing the affairs of that company in the field of labor or management relations, have said categorically before your committee that they cannot legally sign an agreement with our union, when the whole body of the law, and all of the precedents to date before the National Labor Relations Board clearly indicate that the opposite is true; that our union is the only legally certified bargaining agency with whom the company can sign an agreement.

No other agency has been designated by the employees of the Kohler Co.

The UAW is the only agency that, having met the requirements of the law by being democratically chosen in a labor board election conducted by the Labor Board, and having been duly and legally certified, we are the only agency with which the Kohler Co. can legally sign an agreement.

And before we could be decertified, if that could happen, the charges before the Labor Board now would have to first be disposed of.

So this is a vital legal point, and we believe that since the company has attempted to cast doubt upon this, that your committee would be well advised to ask a labor board official to come here and clarify this vital legal matter.

We think that Mr. Conger knows the law. We think he knew the law when he violated it 4 years ago, by not bargaining with our union in good faith.

When he says now that they can't legally sign with us, we feel he also knows the law today, and that this is just a further example of the arrogant defiance of the law and the spirit of the letter of the law in this situation, because this company doesn't want to live with a labor union, it wants to destroy unions because it is unwilling to deal at the bargaining table in good faith with the union of the workers choosing as our union is, and the only union which has been legally certified by the National Labor Relations Board as the legal bargaining agency.

We feel very strongly about this, because, as I said in my opening statement, this is more important than just the status of our union or the status of the company.

This involves the welfare and the well-being of more than 2,000 workers and their families, and we believe that this is a vital legal point that needs clarification.

The CHAIRMAN. Let the Chair make this observation. As I recall, the Kohler Co. contends that it could not sign a contract with you now, legally, because you no longer represent a majority of its employees.

In other words, that the majority of its employees today do not belong to your union, and, therefore, it could not enter into a contract—

Mr. REUTHER. But that has never been legally determined.

The CHAIRMAN. What is involved here is more than a legal question, possibly. That would be a question of fact as to whether you do actually represent a majority of the employees or do not. Also the Board may hold that the test would be whether you represented a majority at the time that the strike precipitated.

They might determine simply upon a legal question, resolve a legal issue, or possibly could, and at the same time it might also involve a question of fact that they couldn't determine.

They might give us some opinion as to what they think the law is, and yet there may be a question of fact that would have to be resolved.

The committee will give consideration to your request. I don't want it to delay our proceedings this morning. I want us to move along. But I can see the possibility of a question of fact as well as a legal question involved.

Mr. REUTHER. Mr. Chairman, may I make one further very brief observation?

It seems to me that the problem here evolves around these two essential points:

First of all, who legally, under the law, has the right to determine which bargaining agency, if any, workers want. The act is clear. Only the workers make that determination, and the Kohler workers made that determination when they chose our union, and no other union has been so chosen by vote of the workers.

What is the procedure? The procedure is that they need to do it through the procedures of the National Labor Relations Board, so that having gotten a majority of workers' votes through such procedure, the Labor Board, acting as the agency of the Federal Government, can then legally certify.

Here again, our union is the only union which has met these legal requirements. Until another union has met these legal requirements, we, therefore, under the meaning of the act, are the only legally

designated bargaining agency with whom the company can sign a collective bargaining agreement.

The CHAIRMAN. The Chair will do this: I will instruct the chief counsel to present to the chief legal adviser of the National Labor Relations Board the statement which you have presented here this morning, and get a preliminary report as to what his position is with respect to the question raised.

Mr. REUTHER. Thank you.

The CHAIRMAN. After we get that report, then the committee can determine whether it will proceed any further.

Senator MUNDT. Mr. Chairman, I have a question about this development.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. In part, Mr. Reuther, on the point you have raised, which is a very interesting one, I wonder whether in part this question you have raised isn't involved in this pending decision of the NLRB which seems to take an awful long time, and not being a lawyer I think all legal procedure takes a pretty long time, but isn't that one of the things that ultimately must be decided upon from the Examiner's report? We had quite a colloquy the other day, and that is one step in your procedure. There is a Board decision pending, I presume, which would seem to me should throw some light on this.

Mr. REUTHER. But the Kohler Co. raises, Senator Mundt, the matter of the legal bar. They say that legally they cannot sign an agreement with our union and, therefore, they can't terminate the strike by signing such an agreement. This is what they claim. The whole history of the Labor Board has been that they can sign with us. Now, if at a later date employees in a given plant through the processes and procedures of the Labor Board, choose some other agency as their bargaining agency, other than the UAW, at that point the status of the contract would change. But between now and that determination through the procedures of the Labor Board, the Kohler Co. can legally—in fact, we are the only group they can legally sign a contract with.

Senator MUNDT. Let me ask you in connection with that, assuming just for the sake of the examination that your point of view is valid, who, in your opinion, would then vote? Just the people on strike, or would the people now working for Kohler, would they vote? Who would participate in it?

Mr. REUTHER. There cannot be a vote under Labor Board procedures as long as there are unfair labor practice charges pending.

The Board must first dispose of those before any vote could be held with respect to determining a bargaining agency.

Therefore, until the Labor Board disposes of the pending unfair labor practice charges, no such action is possible.

(At this point members present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Senator MUNDT. What you would really have if you went ahead would be the fellows outside of the plant bargaining for the fellows working in the plant.

Mr. REUTHER. Yes, but you must remember the fellows outside of the plant are the fellows who choose the bargaining agency.

Senator MUNDT. I am not arguing that.

Mr. REUTHER. The Kohler Co. is trying to squeeze them out and the trial examiner has found them guilty of being in violation of the law of the land. He has also found that they were guilty of all the things the LaFollette committee found management guilty of—buying munitions, hiring spies, and doing many other reprehensible things.

Senator MUNDT. I am not arguing the point.

Mr. REUTHER. I am.

Senator MUNDT. Did you agree with this?

If the mechanics work like you feel they should, you would have in fact the employees who are not working bargaining for the 2,000 employees who are working.

Mr. REUTHER. If the Labor Board put them back in the plant they will be working. This is what the Labor Board has before it. The Labor Board trial examiner has recommended that these people be taken back on their jobs. If its recommendations are upheld, then the Kohler workers who are on strike plus the Kohler workers who have gone back will be the proper employees and the strike-breakers who were the new people brought in will be on the outside unless the company needed more employees.

Senator MUNDT. In short your position is that they should go ahead and bargain without holding another vote on the part of the employees, is that it?

Mr. REUTHER. The vote was held and we are certain filed. Until the Labor Board disposes of this matter, they are unable legally to sign with any other group but they are able to sign with us. There are many precedents for this in the history of the Labor Board. For the company to say that there is a legal bar—this is a very convenient thing they have raised—this is their attempt to absolve themselves of the responsibility of being in violation of the law by saying, "We can't even do it legally even if they wanted to."

They don't pretend they want to. Even if they wanted to, they say we can't do it because there is a legal bar. That is not true.

Senator MUNDT. Let me ask you this. In your opinion is there any such phenomenon as a company ever winning a strike or a union ever losing a strike. Has that thing ever happened?

Mr. REUTHER. There have been strikes lost by unions and there have been strikes lost by companies. I suppose when the union wins the company loses.

Senator MUNDT. I am not talking about—when—you don't get what you are asking him—you want so many cents an hour and you get less. I am talking about this kind of a case, where you have a strike because you want to organize a plant for the first time and have a union. That is the kind of case we have here.

This strike involves primarily whether the union is going to be the bargaining agent for the company. I think that is your position rather than wages that is involved in the controversy.

Mr. REUTHER. That is where you are wrong, Senator Mundt. This strike was not over recognition. We were recognized. We were the duly chosen agency that was legally certified. The strike was over. Contractual matters—what the company has done is converted this strike over contractual matters into a fight to destroy our union as a bargaining agent.

Senator MUNDT. You had a contract the year before?

Mr. REUTHER. That is why they are in violation of the law.

Senator MUNDT. This was over a renewal. Sometimes you say a company wins one and sometimes they lose one, sometimes the union wins one and sometimes you lose one?

Mr. REUTHER. That is right.

Senator MUNDT. I would like to know who decides when somebody has won? Who decides who wins?

Mr. REUTHER. It depends on whether you are arguing about—

Senator MUNDT. Let us not take this strike. Let us take a hypothetical case.

Mr. REUTHER. Let us suppose there is a set of negotiations taking place between the UAW and employer A and we are asking for X cents an hour wage increase, and we are asking for B improvements in our pension and other things, and we can't resolve it by the give and take at the bargaining table.

The membership feels that the pension thing is so important that they get a lot of old timers who can't keep up with the speed of the assembly line and they think they ought to have a pension but the pension benefits are too low for them to live on with their social security and this is the issue.

They resolve the wage question. The fellows want another \$50 more a month on pensions, and they strike on that. If they finally settle without getting any of that \$50 then I would think that the company won that argument. But if they get all of it, I would think the union won. If they got \$25 instead of \$50, I would think it was a compromise. That is a legitimate argument. That is the area in which the Kohler strike should have been waged but was not waged. The Kohler strike became a strike to destroy the union, not to settle the issues—to destroy the union.

I say the law does not permit an employer to determine whether or not the bargaining agency chosen by the workers is the proper one or whether they should have a bargaining agency at all.

This is the point I disagreed with Senator Goldwater on Face the Nation. I think he misstates what the law is. The law does not permit an employer to make a determination as to which agency shall be the agency to bargain for a group of employees nor does it permit the employer to determine whether there shall be an agency at all.

This is exclusively a decision that only the workers involved have a legal right to determine.

Senator MUNDT. Is there something in the law or should there be something in the law which provides that after a long continuing strike, a year or 2 years or 3 years, the employer has a right to ask for another vote and ask the men to vote again if there is any doubt.

Mr. REUTHER. All the law specifically provides is that the workers can do that.

Senator MUNDT. I know the workers can do that by decertification.

Mr. REUTHER. The law provide that workers can petition for decertification. They can decide to join some other union. If I was a worker belonging to certain unions I know in America I would do my best to clean it up or get another union. So the law provides for this.

Senator MUNDT. I know that. I am asking whether there is or you feel there should be anything in the law that the owner could say let

us have another vote. If the people vote your way you are in, if they vote this other union's way they are.

If they vote no union there is none. Do you think there should be a mechanism whereby the employer under certain circumstances could say let us have another vote?

Mr. REUTHER. Under the law an employer can initiate procedural steps but the decision can be made only by the workers.

Senator MUNDT. That's right. They make the vote.

Mr. REUTHER. All right. But in this case the company is trying to make that decision by saying that legally they cannot sign with our union. That is subterfuge. They are trying to shield their moral responsibility to bargain in good faith by raising a legal obstacle when there are no legal obstacles.

This company legally can sign with our union and legally can sign with no other union.

Senator MUNDT. That is a legal point which we agreed yesterday country boys like you and me cannot settle.

Mr. REUTHER. Senator Mundt, it is not that complicated.

The CHAIRMAN. Mr. Conger, I see you have approached the committee.

#### TESTIMONY OF LYMAN C. CONGER—Resumed

Mr. CONGER. The question Mr. Kohler and I raised here was not raised here for the first time. It was raised as of February 10, 1955, in this Labor Board proceeding that is now pending.

It will be decided in that proceeding, and what the committee is now being asked to do is to get somebody, possibly legal counsel or somebody else, from the Board over here to tell us what the Board is going to decide.

I wish we could get that information but I don't think we can get it that promptly. This is a question that is not going to be decided by legal counsel for the Board or anyone else except the members of the Board themselves.

It will be decided in due time. Until it is, there must remain that question. There has been some talk about the delay in this case.

I want to point out that this case was not filed until months after the strike, although everything that was in it then was well-known to the union before the strike.

It was not filed until after mass picketing had failed. There have been six different sets of amended charges and we believe that case has been delayed by the union for the very reason that Mr. Reuther states, it constitutes a bar to an election.

Mr. REUTHER. Mr. Chairman, this is just—

The CHAIRMAN. The Chair makes this observation. I rather think this question of whether the union remains the bargaining agent for the employees is a question that is now before the National Labor Relations Board, as I understand it from the testimony as it has developed.

Whether the issue involves a question of fact or purely a legal interpretation of the law, I am not sure. The only thing I have in mind, I make it very clear, I will send this memorandum down there that Mr. Reuther has submitted and ask for their comment on it—a preliminary comment on it—from the chief legal adviser of the NLRB.



If he says that the question of fact is involved in this hearing before the Board, that will end it. There will be nothing further this committee can do about it.

If he says it is not involved, it is not an issue and he wishes to express some view or give his interpretation of the law, the committee may well receive that for its information.

But I don't think or I am not sure whether there is a question of fact in it or not.

I did understand that this is one of the issues now before the National Labor Relations Board. Whether it is there properly or not, I am not undertaking to say.

People get in law suits—I think it holds true with reference to strikes—they raise every doggone thing they can think of.

MR. REUTHER. Mr. Chairman, I think the record should be crystal clear that the UAW has done everything humanly and legally possible to expedite the disposition of the unfair labor practice charges before the National Labor Relations Board.

Mr. Conger knows that to be true, but when a company has been bargaining in bad faith for 4 years, it is difficult for them to talk about these things in keeping with the facts.

The CHAIRMAN. Let me say I don't believe, Mr. Reuther, you, representing the union, and Mr. Conger, representing the company are going to reach any agreement at all.

I think we might as well just go on with the testimony.

MR. REUTHER. I agree with that, Mr. Chairman, excepting that I don't think the company ought to be able to hide their immorality and unwillingness to sit down in good faith by saying legally they can't do it.

Legally, they can sign an agreement with our union. They don't want to.

The CHAIRMAN. Obviously that is a matter of difference of opinion between you and Mr. Conger.

MR. REUTHER. The Labor Board has been administering the law and has done precisely what we say the law means.

The CHAIRMAN. You may be correct. The Chair is not arguing with you.

MR. REUTHER. I understand.

The CHAIRMAN. I simply say it is a matter that will have to be resolved.

MR. REUTHER. I would like to read this one little paragraph, because it is somewhat germane, from President Eisenhower, because it characterizes the Kohler Co. so well.

He said in that speech in September 1952:

Today in America unions have a secure place in our industrial life. Only a handful of unreconstructed reactioners harbor the ugly thought of breaking unions and depriving working men and women of their right to join the union of their choice.

That is exactly what is involved here.

The CHAIRMAN. You would not think that the President had in mind Kohler when he said that, would you?

MR. REUTHER. If he knew about them he would have.

The CHAIRMAN. Maybe he didn't know about that.

MR. CONGER. May I request permission to file our own legal memorandum?

The CHAIRMAN. You may file a legal memorandum. Senator Curtis.

Mr. REUTHER. Mr. Chairman, Senator Mundt made a commitment to me. I think commitments made in good faith should be carried out.

He said he had a surprise package for me this morning.

Senator MUNDT. I have it here all secretly hidden away, and we will talk about it later.

The CHAIRMAN. Just a moment.

Senator Curtis, when we recessed yesterday, was recognized and I am going to recognize him first.

Senator CURTIS. I will yield to Senator Mundt within limitations.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I don't want to keep the witness in suspense. Having the surprise package along, I want to show it to him.

I don't think he has ever seen this political memo for COPE, but I have it here and if you will look at it, Mr. Reuther, this is the publication of your organization that I was talking about that you said you had never seen.

Mr. REUTHER. I appreciate very much your broadening my understanding of these things. I now have myself a couple of copies. What is the date of yours, Senator Mundt, if I may ask.

Senator MUNDT. January 27, 1958.

Mr. REUTHER. I have later ones than that. I will give you my copies when the meeting is over.

I would like to read you a couple of headlines out of this so you know why we put these things out.

Senator MUNDT. I want to talk about it. Go ahead, your headline may be interesting. I think I know the one you are going to read.

Mr. REUTHER. I will start with the first one. I have several. This is the political memo from COPE. I might say that I inquired last night—up to this time I had not seen this and I have asked my secretary to see that I get these, they are pretty good.

(At this point, the following members were present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Senator MUNDT. I think maybe before you read it you ought to tell us who is responsible for it, who finances it.

Mr. REUTHER. That is precisely what I wanted to do. It is put out as a publication by the Committee on Political Education, which is a committee of the AFL-CIO, from the Washington office, and I am told that 50 percent of the copies that are circulated are paid for out of educational funds made available by the affiliated unions of the AFL-CIO and approximately 50 percent is paid for by subscription.

I think it is a dollar a year. I would recommend it. I think it is worth the dollar. I would like to read just several headings.

Senator MUNDT. 815-16th Street NW., Washington, is that the CIO headquarters?

Mr. REUTHER. That is the AFL-CIO headquarters. That is the headquarters of the United Labor Movement.

Senator MUNDT. Is that also the UAW headquarters?

Mr. REUTHER. No; it is not the UAW headquarters.

Senator MUNDT. You are speaking about this now in your capacity as vice president of the AFL-CIO?

Mr. REUTHIER. Well, I can speak in either capacity. If you would prefer it that way, that is quite agreeable.

Senator MUNDT. I am just trying to find out whose periodical it is. It is not the periodical of UAW.

Mr. REUTHIER. That is right.

Senator MUNDT. It is the periodical of AFL-CIO?

Mr. REUTHIER. That is right.

Senator MUNDT. So you are speaking as a vice president about this.

Mr. REUTHIER. Very well. This is the political memo from COPE, dated February 24, and the first item listed here in the headline is "Total of Unemployed Reaches 8-Year High." The next item is "Traditional GOP Farm District Almost Goes Democratic," and the third headline is "Administration Accused of Whistling in the Dark on the Economic Situation."

The next item on the inside page is "\$100,000 dinner may earn billions for oil crowd."

That was that dinner where the Republicans in Texas raised \$100,000 without too much finesse. Under that there is a very curious little item that I didn't realize was here——

Senator MUNDT. If you realize it is there, I will be glad to have you read it. I know what it is.

Mr. REUTHIER. It says here, and I am sure you would be interested in this:

Records of campaign considerations on file with the Secretary of the Senate and the Clerk of the House show that oil and gas interests have frequently made large contributions to political candidates. In 1954, for example, Senator Karl Mundt, Republican of South Dakota, received \$2,500 of Texas Oil money for his successful reelection. Mundt voted for the gas bill in 1956.

It is these kinds of things that we get out to our people.

Senator MUNDT. Of course, anybody who lives in Texas who makes a contribution is an oil and gas king, I suppose.

Mr. REUTHIER. Here is one dated March 10: "Living Costs Hit All-Time High as Unemployment Keeps Rising." The next one is "More Workers Receiving Jobless Insurance Payments Than Ever Before." Here is one of March 24, the first heading is "Unemployment hits 16-year high."

The second heading is "Industrial Production Drops to 4-Year low."

The next one says "Consumer Debt at All-Time Record." The next one says "Bankruptcy Hits Postdepression Peaks." The next one deals with the plight of American farmers. This is what is in this memo. I think it is good reading, and I think we ought to get a little bigger circulation.

Senator MUNDT. It is a little bit cursory, based on an analysis of 24 hours, and I have an analysis of 6 months.

Mr. REUTHIER. I should be most interested in that.

Senator MUNDT. Before that, I would like to find out how the 50 percent which is contributed by the CIO-AFL is raised. Is that raised by dues money or by voluntary contribution?

Mr. REUTHIER. As I explained, I have been advised that approximately half of the circulation of this memo is covered by subscriptions, \$1 a year.

Senator MUNDT. I am not interested in that part.

Mr. REUTHIER. The other half would be paid for by what we call educational funds, and the educational funds would have as their source dues income of the union affiliated with the AFL-CIO.

Senator MUNDT. So it would be honest and fair to say that the 50 percent which is contributed by the union is contributed from money which is collected by compulsion from union members?

Mr. REUTHIER. No; I don't say that.

Senator MUNDT. Does a union member have an option whether he pays his dues or not?

Mr. REUTHIER. The point is this is a matter of law. If you have a contract that requires you to be in good standing in a union to work in a plant, and an employer and a union have worked that out, as the law provides, then legally they are required to pay their dues in order to be in good standing.

Senator MUNDT. Isn't that compulsion?

Mr. REUTHIER. When you say compulsion it sounds like somebody is having their arm broken. The point is it is the law.

Senator MUNDT. Taxes are compulsory. We do not pay taxes because we want to, but that is the law. We are compelled to pay them. So a man pays dues maybe because he wants to, but he has to pay them whether he wants to or not, because that is the law, that is compulsion.

Mr. REUTHIER. I told you yesterday in our union, and I use as an illustration the Ford glass plant near Memphis, Tenn., 379 workers voted for the UAW by secret ballot in a labor board election, and only one worker voted against the UAW.

Now, in that case, 379 voluntarily wanted to belong to our union, and I believe if you will check, I will bet you find the other fellow joined because he felt that when that many people want to do something, it must be right.

So the minority that you people keep talking about, and you would like to make it look as big as three mountains put together, is a very small minority, in the kind of a union that I represent. I am not talking about a union that makes a collusive agreement with the boss, up the back alley, in the back door, sign a contract, a sweetheart agreement, and the workers the next morning are told they belong to a union.

I am talking about a union that is democratic, that works to build membership, based upon membership loyalty, membership understanding, and membership participation. In our union it is a small fraction of our total membership who are there because legally they are required to be there.

Senator MUNDT. All that is not in dispute. The question is whether or not you agree with me that a man who has no choice but to pay dues, when he belong to an organization, pays them under compulsion. If you can figure any other language to define it, I would like to have it.

Mr. REUTHIER. Well, let's say he is under both a moral and the legal compulsion to meet his obligations, as do all of the other workers who democratically have chosen the union involved as their legal bargaining agency, and have worked out a bargaining contract accordingly.

It sounds better when you put it that way.

Senator MUNDT. All right. But it adds all up to compulsion. Like taxes, you can say you pay taxes because you are patriotic, because

you want the cause of freedom to live, because you believe in democracy, but you pay them because the law says you have to pay them and that is compulsion.

Mr. REUTHER. The community can only get the things done necessary to have a civilized community if its citizens share the cost of financing these things, and the union, which represents the industrial citizen in the factory, it can do for the industrial citizen what needs to be done there only if the industrial citizens finance its activities.

Senator MUNDT. All right. So we are right back. I don't care what the reasons are. I am simply pointing out that the 50 percent which is contributed to this political memo by COPE is collected by compulsion. I am not saying it is wrong. I am trying to set the stage to see whether it is right.

Mr. REUTHER. Well in this little plant in Tennessee, 379 voted for the UAW and 1 didn't.

Senator MUNDT. And one didn't and the——

Mr. REUTHER. Don't tell me that the 379 are there by compulsion. They are not there. The 1 fellow might be, but not the 379.

Senator MUNDT. The one fellow is, he is there by compulsion.

Mr. REUTHER. What percentage is the 1 out of 380?

Senator MUNDT. I am not talking about that. But they all pay by compulsion.

Mr. REUTHER. I don't pay my dues out of compulsion. I pay it because I want to pay it.

Senator MUNDT. What would happen if you didn't want to?

Mr. REUTHER. But I do not want to. I want to pay it.

Senator MUNDT. That is begging the question. I am asking what would happen if you didn't want to pay it.

Mr. REUTHER. Let's be sensible for a minute. If you and I want to belong to a union, even though a law says you have to pay it, but we want to pay it because we want to pay it, isn't it incorrect to say we are paying it only because the laws makes us?

I pay my dues because I want to pay them. I paid them before the law required me to pay them.

Senator MUNDT. What determines whether something is compulsory is whether or not you can get by without paying them if you don't want to pay them.

Mr. REUTHER. You are wrong. You are absolutely wrong about that. What determines whether a thing is compulsory is whether you will be willing to do it without the compulsion, and if you do it without the compulsion then it is not compulsory.

Senator MUNDT. Would you settle for this: Would you be willing to agree that if a man belong the union or if he works in a shop in which there is a union contract, he has no choice but to pay his dues?

Mr. REUTHER. I say that one lonely fellow down in Tennessee, he may be compelled to pay dues. The 379 do it because they believe they want to do it.

If you say they are compelled, then you don't understand the whole processes of democracy in the Labor Board. When they vote secretly 379 for the UAW, they are not compelled to vote that way. They want to vote that way, and they are in the union voluntarily. The one fellow may be there because the law requires him to be, if you have a union shop.

In Tennessee that isn't the case.

Senator MUNDT. If you pay the dues, why don't you eliminate the checkoff of dues? Why don't you just open up some changes and let the people come rushing in and deposit their dues all the time?

Mr. REUTHER. That is what we did in the plant I am talking about. There was no checkoff there, because there was no agreement. Check-off comes after the agreement is signed.

Senator MUNDT. You like to have a checkoff in the agreement, don't you?

Mr. REUTHER. That is a matter, really, of convenience. It is just a matter of convenience.

Senator MUNDT. To the dues-paying member or to the union?

Mr. REUTHER. To the dues-paying member and the union. After all, the workers decide. They have to sign authorization cards for checkoffs. This is all done democratically. The trouble is some of you fellows have not really worked on this thing. You have not done your homework on how this thing works. The point is this is the way it works. I know, because this is my job.

Senator MUNDT. How much does the AFL-CIO put into this thing every year.

Mr. REUTHER. Do you mean the total costs?

Senator MUNDT. Yes, your 50 percent.

Mr. REUTHER. I don't know that, but we can find out. It isn't very much.

Senator MUNDT. Can you put it in the record at this point?

Mr. REUTHER. I cannot put it in at this point—

Senator MUNDT. I would like to know what the printing costs are, what you pay the reporters, the researchers.

Mr. REUTHER. We will get what goes into this, the production costs, the mailing, and, let's say, for a period of a year.

The CHAIRMAN. When presented, it may be printed in the record at this point.

(The document referred to follows:)

*Cost of Political Memo from COPE*

1956:

Printing and mailing-----	\$42, 216. 90
Income from subscriptions-----	11, 345. 83

1957:

Printing and mailing-----	47, 671. 84
Income from subscriptions-----	15, 281. 55

Political Memo from COPE is one of the responsibilities of the publicity director of AFL-CIO COPE. In 1956 and 1957 it was published biweekly. He has use of the facilities of the entire COPE organization. It is impossible to make an allocation of costs to Political Memo from COPE specifically. The publication has no staff and no reporters. Mailing is handled by the printer and the costs of such mailing are included in the figures above. The printing and mailing costs are borne by the AFL-CIO general fund and the COPE educational fund.

Mr. REUTHER. Do you know where I get in trouble with you, Senator Mundt? I just don't want you to tell me I pay my dues because I am compelled to.

Senator MUNDT. I am sure that is true.

Mr. REUTHER. I pay my dues because I want to. And the 379 guys in this plant pay their dues to our union because they want to.

Senator MUNDT. I am sure that is true of Walter Reuther and I am sure that is true of a majority of the members that belong to

your union, but I am equally confident, nature being what it is, that some members pay their dues because they have no other choice.

Mr. REUTHER. That is a very insignificant minority. When the Ford vote was taken by the Labor Board, it was 88,000 to 1,000. If you can get that kind of majority in South Dakota, you would be very secure politically.

Senator MUNDT. I am working on it.

Mr. REUTHER. Well, you got a lot of unfinished work to do.

Senator MUNDT. This is the point that you seemingly refuse to admit, which is just as plain as the path to the country schoolhouse, and that is this, that simply because you have a 80 percent majority or 90 percent majority, you have no right to crush a minority, even though he is one. He has a right under our Constitution and in this country, and in our concept of freedom, he has a right of self-expression and self-determination, and the right to determine what he does with his income, just as the 99.5 percent might have that outvoted him. You have to realize that.

Mr. REUTHER. All right. I don't argue with that. My argument with you is that you just say that all the dues collected to help pay for this is collected under compulsion.

It is always better to stick to a specific thing because you can get lost in the realm of generalities. In the Ford situation, 379 workers in Tennessee voluntarily, by democratic secret ballot, counted by the Government of the United States, chose our union, and I say when you tell me that they are paying their dues under compulsion, you are wrong.

One fellow, he may be. I don't know that. But in Tennessee, you have a right-to-work law, so even that wouldn't be true.

But suppose you didn't have a right-to-work law? It gets back to our discussion yesterday, Senator Mundt.

If we fought the revolution as we did, because we believed that taxation without representation was a violation of basic democratic rights, then I say the other side of the coin, representation without taxation, is equally valid, and a worker who gets all the benefits, who gets all the privileges, and all the protection, and all the wage increases and the pension benefits, and the services of our social security department, our medical staff, and our legal staff, every worker who is entitled to those benefits, ought to help share the cost of making them possible just as when you live in a community where we need better schools, everybody has to pay their share of the tax to make those better schools.

And if you can figure out a way where that one lonely fellow can't get a free ride, I will be with you. But when you try to say "Well, there is a violation of a basic human right, you are making this fellow do something," we don't want to make him do anything, but we don't want him to get all the benefits, unless he is willing to share the costs that makes them possible.

Senator MUNDT. Yesterday, we agreed that the fellow should not be entitled to a free ride which brought with him on that journey the benefits which were made available through union operations in union contracts. You told me you were working trying to figure out some contracts which would provide for that kind of contingency.

(At this point, Senator McNamara entered the hearing room.)

Senator MUNDT. I recognize that Tennessee must be your blue ribbon case because you have mentioned that one a dozen times.

You always come back to Tennessee. That is your best one.

Mr. REUTHER. Do you want some more?

Senator MUNDT. I don't think you have any better ones, because you have that one down to 1, and you can't have any better than 1 dissenter.

Mr. REUTHER. We have some where everybody voted for the union.

Senator MUNDT. That would eliminate the problems on those, but you wouldn't have a problem of minority representation.

Let's proceed with the next step. It is not legal, is it, for money collected by unions as dues money, it is not legal for unions to use dues money for political purposes, Federal political purposes.

(At this point, the following members of the committee were present: Senators McClellan, McNamara, Goldwater, Mundt, and Curtis.)

Mr. REUTHER. It is illegal, as I understand the meaning of the law, for a union to use dues money for purposes of contributions to candidates in Federal elections or to political parties for activities related to Federal elections. That is generally, I think, the definition.

Senator MUNDT. That is correct.

Now, I want to discuss with you a little bit what this memo does because I have analyzed it and worked with the staff on it; a series of publications of COPE for the first part of 1957, the COPE political memo.

You have in your union, I suppose, not only Democrats, but you have some Republicans who are dues-paying members. Even though their chief is a pretty strong Democratic politician, you must have some Republicans in your union.

Mr. REUTHER. Pretty strong? You fellows think I practically own the Democratic Party.

Senator MUNDT. I don't think that. I think you have a mortgage on it in some areas, but you have not foreclosed.

I would like to say that the question is, do you have some Republicans in your union?

Mr. REUTHER. Let me say this about that. I think there is no question that we have some Republicans. A good example is the fact that what we call our national steering committee—this is really, in our union, the group that politically works together. We have politicians in our union. We have caucuses and people run against each other.

The group I am a party of, we have our own caucus and we have Republicans in our top steering committee caucus. The fellow who was the member of the State legislature, who was a Republican legislator in New Jersey for many, many years, in the last election ran for Republican mayor of Paterson, N. J., with our support.

So we have Republicans and we respect their point of view.

Senator MUNDT. You have independents, and neither Democrats or Republicans.

Mr. REUTHER. The problem is that you fellows get your arithmetic mixed up because you don't work at this, and sometimes you substitute your prejudice for the facts.

Senator MUNDT. Did you ever do that, Mr. Reuther?

Mr. REUTHER. This is what Senator Goldwater—

Senator MUNDT. You say Senators do that. Have you ever done that?

Mr. REUTHER. I think perhaps there have been times when I did that, but I try not to make a practice of it.



Senator MUNDT. That is what you call a human frailty which we all share.

Mr. REUTHER. The other day Senator Goldwater, and I think perhaps he was just worked up and he forgot the facts, said in his "Face the Nation" program, and I have the transcript——

Senator MUNDT. Why don't you wait until Senator Goldwater is in the committee room.

Mr. REUTHER. He is right here. I would not dare do this if he were not here. Senator Goldwater said——

Senator MUNDT. Mr. Rauh shot at me when I was not here.

Mr. REUTHER. Mr. Rauh, I am surprised at you. You should not do a thing like that.

Senator MUNDT. He did. He will admit it.

Mr. REUTHER. I have been saving this waiting to tell Senator Goldwater that he was wrong. Here is what happened: Really the measurement and the department of democracy is the ability of people to disagree politically but to be rational and to be honest and to be sane about it, because as I said the other day, the Communists get conformity—I mean they get unity by conformity by making everybody goosestep to the party line.

A free world, a free country has to get unity in diversity.

Senator Goldwater can be against the things I believe in politically and I will respect his differences. But when peoples' motives are challenged, when you are threatening the very future of the free world if you don't agree with some point of view, this is where we get in trouble.

Senator MUNDT. Will you try to kill him off politically if he disagrees with you?

Mr. REUTHER. I won't. I would like to argue the issues.

Senator MUNDT. You would not like to exterminate him politically if he does not agree with you?

Mr. REUTHER. Give me a little time and I will tell you.

Senator MUNDT. Will you answer that question yes or no?

Mr. REUTHER. I think you have your right to your political point of view. I think it is kind of antiquated in spots. You have a right to it.

You have a right to think that my philosophy is completely realistic. But as free Americans we ought to be big enough, intelligent enough, tolerant enough, there ought to be enough democracy in the department to be able to discuss political issues in the free market place of ideas on their merits and not go around saying people are more dangerous than the Sputnik, people are the most dangerous people in the world, and to try to get people not to measure and judge and evaluate the merits of a person's political point of view on the merits of that point of view, but to try to color by prejudice and scare words and smears to that it is evaluated in a climate in which rational evaluation is not possible, this is where we get in trouble.

If you think the Communists are not happy about it, then you don't know anything about how they plan the dynamics of what they are trying to do.

The great hope of the world is the ability of America, our free political system, our economic system between labor and management and other economic and political groups, to develop the kind of sense

of common purpose, of unity, the broad common denominators of democratic survival and within that broad framework of a contest of values.

But when you begin to have the contest of values jeopardize the outer framework by talking about Sputniks and loyalties and so forth, you are doing a great disservice to American democracy.

Senator Goldwater went on the radio the other day—television—and he said—it is in this transcript—I won't quote it because the letter I am going to read raises it—he said there, that in the Wayne University in Detroit, Mich., 40 percent of the people there in our union had expressed Republican leanings or Republican attitudes.

He said that on the national hookup. The next day—that was March 16 at 4:30 to 5 o'clock in the afternoon—and on March 17 the professor at Wayne University, Dr. Kornhauser, who made this survey, sent this letter to Senator Goldwater.

I want to read a short piece of it:

DEAR SENATOR GOLDWATER: During your appearance on the TV program Face the Nation I understood you to say that 40 percent of the UAW members are Republicans as revealed by a Wayne University survey.

This figure is seriously in error. Since I am sure you do not wish to mislead the public on this matter, nor to base your own thinking on grossly incorrect facts, I am writing to give you our actual findings.

The only careful sampling survey of UAW voting which has been conducted by Wayne State University was carried on under my direction in 1952 and 1953.

Our study showed that among UAW members in the Detroit Metropolitan Area not 40 percent but only 11 percent stated that they were either Republicans or had Republican leanings.

You say it is the discrepancy between 40 percent and 11 percent that gets into these kind of arguments when people instead of trying to understand what the other fellow stands for, what he is trying to do, and try to demolish his political position based upon having a better position yourself, by debunking his or showing up its weaknesses and its inadequacies. But we don't do that.

In this situation, you just look and I will show you what has been going on. That is what this hearing is about. Here is a situation where on January—

Senator MUNDT. You are still on my question?

Mr. REUTHER. I am right on your question.

On January 28 as reported by the Detroit Times, on January 21, Senator Goldwater made a speech in Detroit.

He had a perfect right to. He has a right to make a speech any place that he can get an audience. But what did he say?

He didn't say I disagree with Reuther's support of the Kennedy-McCarthy bill to raise unemployment compensation because it is too much, he didn't say I disagree with Reuther's support of President Eisenhower's aid to education bill because I am against education, and he is on the record of the votes in the Congress.

He has voted against a number of bills. He didn't say these things. He didn't say I am against Reuther trying to get more wages. He said, and I quote from the Detroit Times:

That Walter Reuther and the UAW are a more dangerous menace than the sputniks or anything that Russia might do.

That was the 21st of January. This is just a sampling of it. I can bring it in by the truck load.

Senator MUNDT. That would not make you very dangerous. Sputniks are not dangerous. They are weather beeping things going around. There is no warhead in the sputnik. That does not make you dangerous.

Mr. REUTHER. Anything the Russians can do I take to mean treachery, immorality, inhumanity, every indecent thing they are incapable of.

Senator MUNDT. You cannot abominate communism, Mr. Reuther, anymore than I do. I have been working on this problem as long as you have.

I just point out that a sputnik is a little old thing flying around without any warhead or dynamite and that does not make you dangerous. I don't know how dangerous you are. Maybe you are not at all. A sputnik is not.

Mr. REUTHER. You cannot be cute enough to wash this one up.

Senator MUNDT. I am just calling your attention to it.

Mr. REUTHER. Here on February 11 in the Washington Post, the text of a letter, it says:

Printed below is a text of one of the letters sent out by H. J. Porter, Republican National Committee member from Texas, announcing last night, "Appreciation Dinner for House Republican Leader Joseph W. Martin."

On the stationery it says, "H. J. Porter, member from Texas" and gives his address and so forth, and reads:

DEAR SIR: We are having an appreciation dinner honoring the Honorable Joseph W. Martin, Jr., speaker of the 80th and 83d Congress at the Rice Hotel, Crystal Ballroom, Houston, February 10, 7 p. m.

Joe Martin has always been a friend of Texas, especially the oil- and gas-producing industries.

He mustered two-thirds of the Republican votes in the House each time the gas bill passed.

As speaker of the 83d Congress he led the fight for adoption of the tidelands ownership bill.

It will be up to Joe Martin to muster at least 65 percent of the Republican votes in order to pass the gas bill this year.

He has put the Republican members from northern and eastern consuming areas on the spot politically because the bill is not popular due to the distortion of facts by newspaper columnists and others.

The dinner must raise substantial amounts of money for the Republican Party as part of these will go towards the election of Republican Congressmen and Senators.

Here is the punch line:

Walter Reuther is the dominant figure in the Democratic Party and will pick the Democratic nominee for President in 1960.

I don't know why all the other Democrats don't go out of business, if I am going to do this.

Even though we may not approve of everything Eisenhower has done, the Republican Party is the party of private enterprise and free economy.

I say the Democratic Party is just as much the party of free enterprise, and Franklin D. Roosevelt did more to save free enterprise in America in the depression than all the Republicans in the last 50 years. That is what I happened to think.

Senator MUNDT. I am interested in it.

Will you answer my question, Mr. Reuther?

The CHAIRMAN. Let the Chair observe, are we going to have political debate all day?

Mr. REUTHER. That is what we have been doing for 2 days.

Senator MUNDT. I don't know. I have seen Mr. Reuther at the Democratic convention.

The CHAIRMAN. The Chair has undertaken to bring these hearings to a conclusion today and I announce now we are going to run into the night if it takes that to do it. So we can proceed now.

Mr. REUTHER. If you can tell me how I can explain to the Kohler workers the relationship between the discussion of these COPE pamphlets and their strike, then I will agree with you that we are on the beam.

We are not talking about the Kohler strike, we are talking about politics.

The CHAIRMAN. I understand that.

Mr. REUTHER. I, in Texas——

The CHAIRMAN. Just a moment, please. I understand that. The Chair is calling that to the attention of all concerned.

I am not condemning the witness for what he is saying. It has probably been invited. But I am pointing out that these hearings in my judgment are getting off track.

Mr. REUTHER. I agree with you.

The CHAIRMAN. I am simply further pointing out that if we are going to open up all of this now, we are going to have a long protracted hearing obviously.

I have been already admonished by other members of the committee that they have some things to say. I am just hoping that we can stay on the real issue again and bring these hearings to a conclusion.

Senator MUNDT. We are on precisely the issue raised by the witness at the beginning of his 90-minute dissertation which I enjoyed and which I did not try to shut off and which I thought was pertinent.

One of the five points to which he devoted a great amount of eloquence and some evidence was the question of whether or not democratic processes function in the organization of which he is the head, and with considerable pride he said that he thought they did.

Am I correct about that, Mr. Reuther? Didn't you present that to us in your initial statement?

Mr. REUTHER. I talked about democratic processes because the whole question of democratic process internally in the union is what is properly before your committee and not the question of the broad question of politics in America.

Senator MUNDT. You brought in the politics in America.

Mr. REUTHER. I did not.

Senator MUNDT. I am simply working up to some questions about the use of union funds from the standpoint of democratic processes in the union.

I don't object to your reading the letter that you read of the Texas dinner. We have all read that before.

You read it with much more emphasis than I have ever heard it read before, and I enjoyed the way you read it. But it was old hat because it has been in the papers and debated around senatorial corridors.

Certainly I would not stop you from concluding what you are reading. If you want to say more on that subject, you go right ahead. I have some questions when you get through.

Mr. REUTHER. I will take a minute. Senator Mundt, there is one thing we ought to be sensible enough and big enough as individuals to do. Let us be honest with each other.

You don't agree with me politically and I respect your right to not agree with me. I don't agree with you. Let us be honest.

You want to talk politics and I am willing to talk politics, but let us not confuse it with the Kohler strike.

Senator MUNDT. It has nothing to do with the Kohler strike. I am talking about the Reuther testimony.

I am not trying to relate this to the Kohler strike. I am talking about the Reuther testimony to which I listened attentively for 90 minutes.

Mr. REUTHER. Senator Mundt, the point is that it is not an accident that Senator Goldwater attacks my union and myself on this date, and the next couple of days after that, Texas pops up with a Republican dinner, Senator Knowland hits me in California, Senator Potter hits Reuther, all in a week's time. This is not by accident. This is by design.

This hearing that you fellows have been carrying on for the last week is a part of the design. I can tell you now it won't work.

The way you can dig political work is to work on the employment problem, on the educational problem, on the security problem of this country.

These are the things that America needs doing and these are the things people want done.

America, if they could tune in on this, would feel sad, because at the time when we have top priority things to do in America, when we face tremendous responsibilities in the world, when the Russian steel industry is squeezing out every ton of steel they can get for armaments and for economic penetration, our industries are limping along at 50 percent.

These are the things you ought to be dealing with. If you people would show the same concern for the unemployed and the plight of the farmers and the need for adequate education, you would get a great deal more support from the American people.

The Republican Party is losing because it is out of touch with the needs of people.

Senator MUNDT. You are practicing the speech you are going to give at the next Democratic practice.

Mr. REUTHER. I don't need any practice.

Senator MUNDT. Since I won't be there, I am glad to hear it.

I would like to ask you some questions to get some answers.

Mr. REUTHER. You fellows quit doing these kinds of things, and I won't need to defend my union so vigorously.

Senator GOLDWATER. Would the Senator yield?

Senator MUNDT. Yes, briefly, because I have some questions.

Senator GOLDWATER. It will be brief because Mr. Reuther has mentioned my name and a letter came from Mr. Kornhauser from Wayne University, which I have answered by the way.

Mr. REUTHER. I am sure you have.

Senator GOLDWATER. I agree with you and you have said several times during this hearing that in the course of off-the-cuff appearances before groups we can become confused.

I told Mr. Kornhauser that I was confusing Wayne University with a survey made by Union Education Services of Chicago University and Cornell and Columbia researches which reveal that 41 percent of union labor question is Republican.

I called Mr. Kornhauser's attention to this fact; that a thesis done by Mr. Donald Brown, for his master of arts degree from Wayne University, which was approved by Mr. Kornhauser, showed that 71 percent of union members who are independent voters, 63 percent of union members who are Democrats, and 100 percent of the union members who are Republicans are opposed to any union political action.

I had both of these reports on the table in front of me. I explained to Mr. Kornhauser and I am sure you will see the letter, and you recognize the fact that we, who appear in the public, occasionally get our universities mixed up and we get other things mixed up.

I am glad to hear you say we ought to be sane about this. I agree with you on that. I think all of us in public life use intemperate language at times.

In fact, I often said that there are words of mine floating around in the ether that I would like to reach up, grab and eat. I don't see how you can sit there and make those statements and be perfectly clear with your conscience when you said that I needed a psychiatrist.

I might agree with you on that.

Mr. REUTHER. I never said that, Senator.

Senator GOLDWATER. Yes. You said it in Detroit.

Mr. REUTHER. No. I said if you really believed that I am more dangerous than the Russians that you would need one. I don't think you believe that. I think this is just part of the technique you are using. I don't think you believe that.

Senator GOLDWATER. We will talk about whether I believe it or not later on. You called me a moral coward and a political hypocrite. I recognize that you were a little insensate that day. You were mad.

Mr. REUTHER. I had reason to be.

Senator GOLDWATER. You were mad because you were not allowed to appear first and upset a year's routine of the committee.

I am glad that you have recognized that all of us in public life are occasionally not inclined but we occasionally get into intemperance after which we are sometimes sorry.

For instance, while I didn't come right out and call you a liar, I think I inferred that you were one. I should not have done that. I had no reason to base the charge of liar against you, but it was a statement. I made it, and it was an intemperate statement.

I hope I don't make intemperate statements in the future. I think you hope so, too.

About the speech in Michigan, I wrote you a letter that you never answered. I wish you had answered it. I asked you to tell me what in this speech was a lie, was wrong.

I have never had an answer from you. I have it completely documented.

(At this point, the following members were present: Senators McClellan, McNamara, Mundt, Curtis, and Goldwater.)

Mr. REUTHER. Senator Goldwater, to my knowledge, and I just asked one of my administrative assistants, the only letter that I received from you, to the best of my knowledge, in the last several years,

was the letter that you sent in response to my proposal that we try to settle the argument between you and I in a civilized way and not in a name-calling contest, by trying to pick a panel of clergymen to sit down to find out whether or not you could substantiate your charge that I was more dangerous and the UAW was more dangerous.

You responded to that by quoting about 12 pages of the record of Mr. Vincent's testimony. To my knowledge, that is the only letter I have received from you in the last 2 years.

I don't know if I received any before that.

Senator GOLDWATER. Mr. Reuther, either the Post Office Department isn't working right or your secretaries aren't giving you the letters, because—

Mr. REUTHER. You can be sure that when you write me, my secretary gets that to me very quickly.

Senator GOLDWATER. I recall another letter that I wrote you that you answered, and that was regarding the subject that Senator Mundt was querying you about yesterday, namely what were you going to do about the men in your union who took the fifth amendment. You answered that letter. In fact, I have not a voluminous file from you, but we have on several occasions exchanged letters. I remind you, please look in your file because I remember this letter distinctly that I wrote you and asked you to point out what in my Michigan speech was wrong, and I haven't had an answer. It is over in my files. Now, maybe we need that nickel's postage. I don't know. I hope we don't. But if we are not getting good enough service to get a letter from Washington to Detroit, maybe we ought to go to a nickel.

That is all I have.

Mr. REUTHER. May I comment on this a moment?

Mr. Chairman, I am sorry. Senator Mundt and I have been going back and forth.

You see, I am deeply concerned about where we are going in this world, because I have been around in this world. I worked in the Soviet Union. I know something about communism. I worked in the German underground, fighting to build forces against nazism. I have been in India and Africa and all over the world, working with people to try to build a democratic trade union to fight the Communists, because I believe that the only way we can beat the Communists is to prove that democracy can do a better job of meeting basic human problems.

I am worried about where we are going in America, because I believe that the Communists cannot beat us, but I think we can destroy ourselves from within by being dragged into the kind of irrational debates where instead of talking about issues, we are just tearing people apart by hurling charges that get more reckless as the name-calling contest steps up its tempo.

I got very much hurt, Senator Goldwater, when you said before this committee, when Mr. Hoffa was here, you said to him, and I have the transcript right here in front of me, on page 4,964, of August 20, 1957—how would you feel if you met with your family and your friends, and this happened the way it did, one night at my home, over the radio and over the television it says that Senator Goldwater told Mr. James Hoffa, as he sat in this very chair that I am sitting in, and as you gentlemen sat around that table, you said to him, and here is the record, you

said you don't hope that he and I would fight. You say, "I do not like to ever suggest to let you and him fight," meaning Walter Reuther and Jimmie Hoffa, "But for the good of the union movement, I am very hopeful that your philosophy prevails."

You said that.

Senator GOLDWATER. Let me interrupt you.

Mr. REUTHER. No; let me finish.

Senator GOLDWATER. I don't want you to finish until I interrupt you.

Mr. REUTHER. I will be patient.

Senator GOLDWATER. You are a meticulous person about having the whole context read. You have taken something out of context. You didn't read what I said before. I had been querying Mr. Hoffa regarding his attitude of political attitude by unions, and he said that he didn't feel that unions should be active in politics, not in so many words, but that was the subject of his remarks. It was to that that I was referring. I knew you were going to bring that up. I am sorry you took it out of context, because you are perfectly religious in adhering to complete statements. I suggest to you that you go back and read the entire context of the little colloquy between Mr. Hoffa and myself, and I think you will admit that you were wrong. I was referring to a specific—

Mr. REUTHER. Senator Goldwater, I agree completely with what you say. This was a give and take between you and Mr. Hoffa about labor political activities, and Mr. Hoffa said at that time that he doesn't get involved in politics, and that he doesn't want the kind of a union that Reuther is trying to run, and it was back and forth.

That motivated you to say that you hoped, while you didn't want Mr. Hoffa and I—you didn't want to suggest that we have a fight, that you hoped that his philosophy would prevail.

Senator GOLDWATER. Mr. Reuther, to make it perfectly clear and cut this short, as to Mr. Hoffa's attitude toward the union participation with dues moneys and politics, I still hope his philosophy prevails or anybody else in the union movement who has it.

Mr. REUTHER. All right.

I would like to finish. What bothers me, Senator Goldwater, and I say this not as the president of the UAW, and I say it to you not as a United States Senator, I say this to you as one human being to another, what bothers me about this is this: That you said that day that you hoped Mr. Hoffa's philosophy would prevail, because, in the give and take, you felt that he was not involved in political activity, and that was the essential distinction between his philosophy and mine.

I might say there are many other very important distinctions. But that is the thing you were talking about.

Senator GOLDWATER. Mr. Reuther, I agree with you. Let me say this, I don't agree with Jimmie Hoffa's activities in his union, but I do agree with that one philosophy that he expressed when he was sitting right where you are, and I still agree with it, and I still say that I hope there are other union leaders who feel that it is morally wrong to take the money from a Democrat or from a Republican and use it against his man or his party.

Mr. REUTHER. Yes; but that isn't what Mr. Hoffa believes. Let me finish.

Senator GOLDWATER. I don't know what he believes. I only know what he said here that day and that is what I was referring to.



Mr. REUTHIER. Let's not talk about what Mr. Hoffa believes. Let's talk about you and I, now. We are talking about Barry Goldwater, citizen, human being, Walter Reuther, citizen, human being.

Nothing to do with your official position or my official position, but talking man to man about a fundamental problem. How do you and I as members of a free society conduct ourselves so as not to bring into jeopardy the freedoms that we have in common with our fellow man. That is the question. What bothers me, Senator Goldwater, or citizen Goldwater, this is what bothers me, that a week later after you said this, on August 20, in which you said that you hoped Mr. Hoffa's philosophy would prevail, you were on a Meet the Press television program. I think it was September 2. I was in England working to try to help build forces there that would understand what America was trying to do. I was in Europe helping to work out a program for India in the metal industry where we are fighting the Communists because they are beginning to move into the steel industry as it expands. While I am over there, you make a statement that I should have stayed in the Soviet Union, because I would have been more comfortable there. But lay that aside. Lay that aside.

Mr. Marquis Childs asked you a question.

He pursued this question. When he asked you why you made this statement about Mr. Hoffa in the light of Mr. Hoffa's wrongdoings and so forth, that he was later expressed with being responsible for, you said that you didn't know about all these things, and that therefore if you had known these things about Mr. Hoffa's activity in politics, you wouldn't have said this.

This is what you said, and I can read all the transcripts here, if you want me to. That bothered me. Because I thought that at one time you had attacked Mr. Hoffa about many of the things he had done. So we began to look around. What did we find? Well, we didn't have to search very far, because on August 22, 1957, the Congressional Record says on page 14195, here is what it says:

Mr. GOLDWATER. Clark Mullenhoff of the Des Moines Register, whose columns are carried by other midwestern newspapers, represents admirably the present day's writers' interests in the wrongdoings of certain labor leaders.

The fact that his ability and crusading heart are recognized is evident by his having been awarded the Neiman fellowship at Harvard.

Then you go on including the Heywood Broun and the Raymond Clapper awards in 1956. Then you say, and I quote from Senator Goldwater:

It was my pleasure to have inserted into the Congressional Record back in 1956 several columns written by this man covering the misdoings of James Hoffa.

Then I get one of these columns of Mr. Mollenhoff, and this is the heading:

Expense account unlimited. Hoffa gains power in Michigan politics.

And then it outlines all of Mr. Hoffa's political activities. It is James Hoffa who tried to capture the Democratic Party, not Walter Reuther, as the facts in Michigan will prove conclusively.

Senator GOLDWATER. Mr. Chairman?

Mr. REUTHIER. Senator Goldwater, you must have known about these things. This is what bothers me.

The CHAIRMAN. Mr. Reuther, just a moment.

Senator CURTIS. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. State your parliamentary inquiry.

Senator CURTIS. My parliamentary inquiry is: Is a witness' interrogation of a member of the committee, Senator Goldwater—

Mr. REUTHER. I am talking to him as a human being, not as a Senator.

Senator CURTIS. And his debate about Jimmie Hoffa, is that within the purview of the resolution that the Senate passed assigning the work of this committee?

The CHAIRMAN. The Chair has indicated, and now I will make it very plain, that I think the hearing, this particular series of hearings, have gone far afield.

The Chair is not going to take the responsibility for it.

Each Senator is a Senator in his own right, and when he asks a question and he elicits an answer that gets the hearing off track, the Senator who asked the question must take that responsibility.

I had hoped that these hearings could be organized and these facts presented in such a way as to make a good, clear record. But the Chair's position and plan for the presentation of these hearings was not agreed to. I did not organize these hearings. I did not arrange for the presentation of them, as I have others.

Therefore, I shall not accept the full responsibility for this thing getting off track.

I had in mind to have Mr. Reuther and Mr. Kohler come before the committee right in the beginning and clearly define the issues as to what they regarded as the improper practices on the part of the other.

Then I had in mind to try to confine the hearing to those issues. But we have not been able to do that. I should like to see you get back on the track here, ask questions that are really relevant to this hearing, and if you will do that, I will exact the answers from the witness accordingly.

Senator MUNDT. I think I still have the floor, Mr. Chairman.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. My questions are very relevant to the witness' testimony, in fact the initial testimony that he brought in. He talked to us at considerable length about the procedures, the virtues and the good behavior of the UAW, before he talked about Kohler, and I thought that was proper.

I want to explore how the theories operate in practice. I don't want to assume the responsibility that you indicated I would have to assume, that when I ask a question, I assume the responsibility for the answer. These answers sometimes get kind of complicated and I don't want to assume the responsibility of what Mr. Reuther says any more than he wants to assume the responsibility for what I say. But I hope now to get this part of the record behind us, between you and Mr. Goldwater, Mr. Reuther, citizen A and citizen B, and see if we can't get some short answers to what I hope I can make as short inquiries.

Do you believe, Mr. Reuther, that Republicans in your union, of which you say, I think, you have 11 percent, have the right to expect that none of the dues moneys that they pay to the union are used to defeat the party to which they belong or to discredit the convictions which they hold, politically?

You can answer that in one word.

Mr. REUTHER. Senator, I have deep respect for the membership of our union who may believe in the Republican Party as the best vehicle for having done at the governmental levels those things that need doing.

I respect that. I told you before that we have supported Republican candidates.

Senator MUNDT. Let's just stick now to the question.

Mr. REUTHER. The answer is I respect their rights as well as I know they respect mine.

Senator MUNDT. Will the reporter read the question?

(As requested, the pending question was read by the reporter.)

Mr. REUTHER. My answer to that is that we are not spending their money, contrary to the statement you make. We are not spending dues money for straight political matters. We are spending dues money for those things that relate to our collective bargaining functions.

You, if you can tell me how you can separate the breadbox and the ballot box, how you can separate the levels of our supplementary unemployment benefits, and the fact that in Indiana where we have a contract that says that the tens of thousands of unemployed workers are entitled to a supplementary benefit in addition to their unemployment compensation but they can't get it because a Republican State Legislature has passed a bill, you tell me how we can divorce the breadbox and the ballot box and then maybe we can talk about this.

Senator MUNDT. You still didn't get the question.

Would you read it again, Mr. Reporter?

Mr. REUTHER. Yes, I did. I said that we are not spending union money contrary to anybody's political philosophy or doing violence to their political feelings.

Senator MUNDT. I know what you said. Would you read the question again, please.

(The pending question was read by the reporter, as requested.)

Mr. REUTHER. My answer to that is yes.

Senator MUNDT. Thank you.

Mr. REUTHER. But I think that you should know that we do not make choices based upon a party label. We make a choice based upon the issue where there is a Republican legislature who is willing to vote for a bill to make it possible to collect supplementary unemployment benefit plans, we will support that Republican. If a Democrat is for it and a Republican is against it, we will support the Democrat. It is the issue that determines our choice, not the party or the candidate.

Senator MUNDT. My questions are not even directed to that.

Mr. REUTHER. But it is germane.

Senator MUNDT. I hunted carefully for an issue of the political memo, COPE, which is not a political campaign issue, isn't during a political campaign, and the research that I have done is 1957 when there is no election. We are talking now not about politics, per se, campaigning. I want to direct some questions to what you have affirmatively answered that you do believe that members should not be forced to pay dues to the organization to which they belong in the expectation that part of their dues money is used to discredit their party or their political belief.

You have said yes to that.

Now, according to the records of the Clerk of the House, last year the Committee for Political Education spent \$670,984.79. You are going to break that down for us in pursuance with your promise as to what portion of that was spent for COPE, this memo. I am sure it would be a small percentage of it, but whatever it is, it is, and if you find my figure is wrong, you can correct that.

This also came from the House of Representatives, where, by the way, Mr. Rauh, I did check and found out that 35 percent of the money received by ADA for its nonpolitical activities came from the UAW.

Mr. RAUH. That is correct.

Senator MUNDT. I thought you argued about that yesterday.

All right, if it is correct, stop right there.

Now, in this survey of 23 issues of the memo—when I say the memo, we are talking about the document from which you read the headlines, and we are talking about the surprise package because you didn't know about it until yesterday, but you made a cursory study of it for the last 24 hours—I want to relate this to the somewhat more detailed study I have made from January 10 to December 12, 1957, in those 23 issues, Mr. Reuther, there are 56 allusions to the President, the Vice President, and the Republican administration all of them distinctly unfavorable.

Do you feel that is a legitimate use of the money that the Republican members of your organization pay in dues? I am talking about minority points of view.

Mr. REUTHER. I will tell you what I will do, Senator Mundt. You get your voting record, Senator Curtis' voting record, and Senator Goldwater's, and I will show you that on basic issues we have supported the fundamental President Eisenhower position more than you have.

Senator MUNDT. You are talking about the union.

Mr. REUTHER. No, I am talking about the AFL-CIO.

Senator MUNDT. I am talking about the memo.

Mr. REUTHER. We have given the President more support on fundamental issues than you.

Senator MUNDT. Will you read the question again, please.

Your answer doesn't bear upon the question.

Mr. REUTHER. Read the question, please.

(The pending question was read by the reporter, as requested.)

Mr. REUTHER. I think certainly we have a right to say that we disagree with this thing that the President is doing because we have resolutions adopted through the democratic processes of the union that commit us to a certain policy. But what about the things we support him on? What about aid to education, foreign aid, reciprocal trade, unemployment compensation and so forth, that you people oppose that we support him on?

Senator MUNDT. I don't know how you support him, but I do know in the issues of COPE, the memo, 23 of them, from January 10 to December 12, and that includes the bunch, 56 allusions to the President, the Vice President and the administration, all of them are distinctly unfavorable. Maybe you support him in quiet and attack him in public. I don't know who you support or what you support

on the issues. But this is the record of the publication paid for to the extent of 50 percent from dues money which members of the union have to pay even though they are Republicans.

Would you agree with me—

Mr. REUTHER. Senator Mundt, I may say that if we support the President when we think he is right, we have a right to oppose him when we think he is wrong. What about when we run an article in there that says we think the President is right and everybody ought to support his efforts to get Federal Aid to education?

What about where we attend a conference called where the President speaks, where we try to mobilize broad support for the foreign aid program? What about when we work with the Department of Labor to try to get support for the Reciprocal Trade Agreement extension?

Is this supporting the administration?

You don't support him in these areas.

Senator MUNDT. What about this one: What about the issue of February 7, 1957, and I quote from it:

The cost of living has risen to an all-time high. Everything is booming, as they say, including payments for food, clothing, shelter, medical care, books, entertainment—

and on February 7, the commodity index showed that the prices were holding steady. They were not at that time booming. When you tell the members of your publication that they are booming as part of a political persuasive paragraph, it seems to me you are using money collected from dues-paying members to try to discredit the position that the Republican members of your union hold.

Mr. REUTHER. Senator Mundt, when we report to our membership that it is a stroke of genius to have the cost of living going up at the same time unemployment is going up, we are reporting a fact. You can't deny the fact that unemployment is going up.

Senator MUNDT. You can report that as a fact, as of now, but you couldn't report that as a fact at the time it was printed, which was February 7, 1957. That is the point I am making. I am quoting from that issue at the time when your statement wasn't factual.

Mr. REUTHER. A year ago we said that we were headed for trouble. You go back. What happened? Your fellows were calling us the prophets of doom and gloom. We knew a year ago we were in trouble, because the imbalance in the economy was developing at that time.

Senator MUNDT. You are using the wrong tense. Your articles say the cost of living has risen, has risen, has risen, not is going to rise. I am pointing out that when you say things which are within the realm—

Mr. REUTHER. Do you challenge that? The cost of living has gone up every month for the last 18 months, except for 2 months. Do you challenge that fact?

Senator MUNDT. I challenge the fact as of February 7, 1957, because at that time we were on a plateau.

Mr. REUTHER. I beg your pardon. I beg your pardon. You just haven't done your homework again. You get in trouble every time.

Senator MUNDT. Let me tell you about your homework. A little later you made another statement, May 2, 1957:

The cost of living increasing faster under the Eisenhower administration than at any other peacetime period of history.

As a matter of fact, the rise in the commodity index of 1946 to 1948, peacetime, was so much higher than the time that you made the comparison, and if you do your homework you will find that to be true, that this statement is ludicrous, the kind of statement that politicians make but it is not a factual statement.

Mr. REUTHER. Senator Mundt, I would recommend that no Republican politician seek re-election on the platform that the cost of living has not gone up.

Senator MUNDT. I am not arguing that point.

Mr. REUTHER. I think he is going to be in really serious trouble.

Senator MUNDT. I am talking about your dues paying funds, on May 2, 1957, when you say that the cost of living is increasing faster under the Eisenhower administration than any other peacetime period in history, is demonstrably false, mathematically, because in the peacetime years of 1946-48, it increased at a much faster rate. Would you deny that?

Would you deny that it increased at a faster rate in 1946-48?

Mr. REUTHER. I say that the cost of living has gone up according to the figures that I have been given every month in the past 18 months excepting for 2 months, and the 2 months it did not go up, did not go down, it just was flat. Senator Mundt, do you want some nice, juicy quotes, attacking the administration?

Senator MUNDT. No. I would like the answer to my question.

Mr. REUTHER. I answered your question.

Senator MUNDT. No, you haven't answered. Will you deny under oath, or I will take you out from under oath for this one——

Mr. REUTHER. No, I want under oath.

Senator MUNDT. I am not trying to get you in trouble. I just want a statement from Walter Reuther, wearing either his CIO hat, his UAW hat, or his Democratic hat, I want to ask you this question: Do you deny that the cost of living rose faster from 1946 to 1948 than it did at the time you said it was rising at an unparalleled speed in peacetime history in your article of May 2?

That statement is wrong.

Mr. REUTHER. Well, I don't think we have ever charged that the cost of living——

Senator MUNDT. The cost of living, this is your charge, not mine; you pay for it, I don't. I guess I read it more often than you do, but it is your periodical. "The cost of living increasing faster under the Eisenhower administration than at any other peacetime period in history." That is not true. It is not a fact.

Mr. REUTHER. The point is I think that any competent economist will tell you that when you isolate the brief period following the last war in which we were still having the impact of the shortages that came out of the war period because of the curtailment of civilian production, you isolate that period, and that statement is sound, and therefore factual.

You see, you are playing with words. Is this really the important thing in America?

Senator MUNDT. Eliminate the ones with exceptions to the program and you can make it sound good.

Mr. REUTHER. I know, but the point is that the war created pressures on the economy that were abnormal. We have to isolate those abnormal pressures.

Senator MUNDT. The words that you used in your periodical say "Any other peacetime period of history." You just include the whole shebang.

Mr. REUTHER. Senator Mundt, what are you trying to prove? You are trying to prove that we use our publications to unfairly criticize the administration, which is Republican.

Is that what you are saying?

Senator MUNDT. In this particular instance.

Mr. REUTHER. All right. I say to you, you take your voting record in the Senate, you take Senator Curtis' voting record in the Senate, you take Senator Goldwater's voting record in the Senate, on the fundamental issues, aid to education, foreign aid, reciprocal trade, unemployment compensation, and we are in support of the President of the United States more than you are.

(At this point, members of the committee present: Senators McClellan, McNamara, Mundt, Goldwater, and Curtis.)

Senator MUNDT. If I let you pick the issues, of course, that is true.

Mr. REUTHER. Isn't education an important issue? Is foreign aid an important issue? Is unemployment compensation, is social security? These are the really basic top priority matters.

Senator MUNDT. There are a lot of other issues.

Mr. REUTHER. You fellows are out of step with Ike a lot more than we are. We are much more in support. When Jim Mitchell wants help on the Reciprocal Trade Agreement, or Mr. Dulles needs aid on the foreign aid, he doesn't come to Senator Mundt, Senator Curtis, and Senator Goldwater, but he comes to the AFL-CIO because we give him support.

Senator MUNDT. Let me give you another illustration. You warp the facts and slant them politically. That is a legitimate maneuver, apparently, that politicians in both parties engage in, in America. But when you do it with dues paying money, what is supposed to be education, then I say you are denying the creed to which you subscribe when you said yes to my question, that you did not think it was proper to take dues paying money from a Republican, a member of your union, for the purpose of defeating his party or discrediting their convictions.

It is equally improper if you do it with a Democrat.

Mr. REUTHER. I said that we don't spend money contrary to the principle that you state. We make decisions not based upon whether a fellow is a Republican or who he is, but as a person. We make decisions on where he stands on issues. Then I said, take the "SUB" matter in Indiana. There is a lot of fancy talk in America, a lot of noble words about free enterprise and collective bargaining, and so forth. Everybody is in favor of free collective bargaining like everybody is in favor of motherhood.

What happens? We sit at the bargaining table and in good faith, work out with the General Motors and other corporations, as the steel workers do it, other unions do it, we work out a contract that provides

that when a wage earner is unemployed through no fault of his own, and he is eligible for unemployment compensation that the difference between 65 percent of his wage and the level of unemployment compensation is supplanted out of the fund.

The General Motors Corp. has put roughly \$97 million in our "SUB" fund for our many workers. There have been tens of thousands unemployed workers in Indiana. There have been hundreds of thousands unemployed workers in the whole of Indiana. Those workers and their families and the corner merchants have been denied millions of dollars in benefits because a Republican controlled legislature in that State said you cannot integrate "SUB" unemployment compensation. You tell me that when we support a Republican or a Democrat in order to remove the legislative roadblocks so that we can implement out "SUB" agreement that we are violating a sacred principle. I say no.

Senator MUNDT. I never told you that. That is your own strawman you are knocking down. I never mentioned this "SOB."

Mr. REUTHER. It is not "SOB," it is "SUB."

Senator MUNDT. I don't know what it is. Don't say I told that to you. You told that to me. You should study this periodical to which you put in a lot of money. Let me summarize it for you.

There are 100 direct references, in these 23 issues, to administrative policies and actions. Every one of them is unfavorable. You may have supported some thing some place. I don't know. I am talking about this periodical published by union dues paying funds. Twenty-three issues carefully analyzed.

One-hundred direct references to the administration policies and actions, all of them unfavorable. Not one single reference to any benefits derived by workers from administration policies or administration programs for labor or welfare are ever mentioned even in passing.

You tell me that is not political slanting?

Mr. REUTHER. Senator Mundt, I tell you very frankly that if you will look at the record of the AFL-CIO and the record of the UAW, you will find that we have supported the Administration on many of the most basic issues—

Senator MUNDT. I am not arguing that. I know you have. What I am pointing out is what you tell your members through your periodicals which you compel them to pay with dues money, whether Republicans or Democrats, there are 100 references.

Mr. REUTHER. How do you think we get the membership to see—

Senator MUNDT. Your support reminds me of a fellow winking at a girl in the dark. You know it but nobody else knows it.

Mr. REUTHER. Let me read you a couple of statements here attacking the President. This says:

The threat of an ever expanding Federal Government is to me a more serious threat than communism. To hear a President tell us, as Mr. Eisenhower has, that we must educate the American people to the need for Federal aid for domestic schools, welfare and health programs astonishes me.

Then it accuses the President of subverting the United States economy and betraying the people's trust. Isn't that a sharp indictment?

Senator MUNDT. It is a criticism.

Mr. REUTHER. It sure is. It was made by Senator Goldwater. Quotes from his speeches.



Senator GOLDWATER. I am glad you made it because it could be said again.

Mr. REUTHER. All right. You are criticizing us——

Senator MUNDT. Either you have not done your homework very well on the Senator from South Dakota or my record is pretty good because every time you accuse somebody you accuse Senator Goldwater.

Mr. REUTHER. I am trying to be kind to you.

Senator MUNDT. I appreciate that. I am being kind to you.

The CHAIRMAN. The Chairman plans to recess for lunch in the next few minutes.

Senator MUNDT. We can recess at 12:30 if we can get some brief answers.

Mr. REUTHER. What time are we meeting in the morning, Mr. Chairman?

The CHAIRMAN. Just a moment. Senator Goldwater advised the Chair he would like to make a brief statement before we recess. You may proceed now.

Senator GOLDWATER. Mr. Chairman, it is not a statement in total. I wanted to put the record straight because Mr. Reuther only read part of the transcript of the "Meet the Press program" he referred to on Sunday, September 1.

I will read the whole thing.

Mr. CHILDS. Senator Goldwater, I would like to ask you about the hearings for a moment, too. You said after a colloquy with Jimmie Hoffa of the Teamsters, "For the good of the union movement I am very hopeful your philosophy prevails." And you had been talking presumably just before about Walter Reuther.

Senator GOLDWATER. That is right.

Mr. CHILDS. In the light of all that has developed in those hearings, do you still hope that Mr. Hoffa's philosophy prevails?

Senator GOLDWATER. Well, Mr. Childs, I think you should have read the whole thing and it is too long to read here. We were talking about union participation in politics and Mr. Hoffa just previous to my remark there had said that he didn't feel it was right for the unions to participate in politics the way that Mr. Reuther did and that is where I said, and I quote: "Well, I hope your philosophy prevails." I certainly would not want to see Mr. Hoffa's philosophy in organizational work in the use of money or anything else, but I do agree with him that unions should not participate in politics the way Mr. Reuther does.

Mr. CHILDS. Well, Mr. Hoffa has been in politics, too. He has supported Senator Ferguson and other candidates. Do you believe it is the way they participate or that they should not participate at all?

Senator GOLDWATER. If you will read back in there, you will see he had just told me he didn't believe that the dues money of members should be used in politics. He didn't believe that unions should seek to dominate a political party and I agree with him. Subsequently during the course of the hearings it came out that he had supported not one but many political candidates. It never came out in the hearings that he had supported men above the local ranks, but you and I know that this is true.

Mr. CHILDS. That he did support them above the local ranks?

Senator GOLDWATER. Yes, and had he told me that at the time I couldn't be in agreement with him.

Mr. Chairman——

Mr. REUTHER. Senator, that is my point.

Senator GOLDWATER. Just a moment, Mr. Reuther, I am not through.

Mr. REUTHER. I am sorry.

Senator GOLDWATER. Having put the record straight in there I just want to try to finish briefly what Mr. Reuther was starting to try to set up, an atmosphere in which the two of us could argue with each other. I am perfectly happy to set up any kind of an atmosphere

that is fair but I just want to advise Mr. Reuther of one thing. That he is going to continue to be attacked by me.

I am not attacking his union. I am going to attack Mr. Reuther because I don't believe in his economic or his political philosophy.

Mr. REUTHER. Attack me on the issues and destroy the merits of the issues.

Senator GOLDWATER. I would suggest, Mr. Reuther, that you do the same and quit calling me a moral coward and a political hypocrite, a man that ought to see a psychiatrist and Lord knows what else you told the boys in the back room.

Mr. REUTHER. Senator—

The CHAIRMAN. Can you folks not get off somewhere and talk this out?

Mr. REUTHER. I invited him to set up a panel of clergymen so that we could sit down sensibly and sanely and see if he could prove that I am more dangerous and my union than the Russians.

Senator GOLDWATER. Mr. Chairman, I think the clergymen of Sheboygan have already judged Mr. Reuther and his union.

Mr. REUTHER. The point, Senator Goldwater, that you seem to forget—you read the transcript of "Meet the Press," and you said there, had you known that Mr. Hoffa had supported candidates above the local level you the would not have made the charge that you hoped his philosophy would prevail—the point that I made was that you said on the 22d of August 1957, several days later, when you stood on the floor of the Senate—and I quote from the Congressional Record at page 14195:

It was my pleasure to have inserted in the Congressional Record back in 1956 several columns written by this man covering the misdoings of Jimmy Hoffa, and this is one of the columns outlining Jimmy Hoffa's support of candidates above the local level. ~

Therefore, you were either inserting columns in the record you had not read or your memory was conveniently very short, one or the other.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:25 p. m., the committee recessed to reconvene at 2 p. m., the same day.)

(At this point, members of the committee present: Senators McClellan, McNamara, Mundt, Curtis, and Goldwater.)

#### AFTERNOON SESSION

(At the reconvening of the session the following members were present: Senators McClellan, Mundt, Goldwater, and Curtis.)

The CHAIRMAN. The Committee will come to order.

#### TESTIMONY OF WALTER P. REUTHER, ACCOMPANIED BY JOSEPH L. RAUH, JR., COUNSEL—Resumed

The CHAIRMAN. Senator Mundt.

Senator MUNDT. I was asking the witness questions, and I express the hope that I could probably conclude questions in this area in the

next 10 or 15 minutes, I believe, depending, of course, a little bit on the length of the answers.

I don't want to shut any witness off from making any kind of answer he wants to make, just so long as eventually we get a yes or no answer to my question, to which a yes or no answer would be a proper response.

We had been discussing the little surprise package, the political memo from COPE. I simply want to say in that connection, because I want to be completely fair with Mr. Reuther, that my examination of these 23 copies of memo and the examination that I had made of it by my staff, confirmed in my opinion the fact that this has to be considered a politically biased periodical.

I have given you some quotations and some statements which in my opinion justify that fact. I have given you some suggestions.

But I do feel, Mr. Chairman, that Mr. Reuther should be given permission to put into the record at this point an analysis that he makes of these issues from January 10 to December 12, and if he can show that there is something that an objective witness can call political balance in them, he is entitled to make that presentation. I wouldn't expect him to do it today, because he didn't know about the periodicals until yesterday. He did a little homework on them last night, and came up with a few headlines as a result of his survey, but I think he should have had one of his administrative assistants make that analysis if he desires and present the information in the record at this point.

Would that be a fair arrangement, Mr. Reuther?

MR. REUTHER. I think that would be fair, but I would like to point out, Senator Mundt, that I am not contesting that we take positions on issues. What I am contesting is that the material contained in COPE is there based upon a partisan approach. We are nonpartisan in our attitudes, and when a Republican is right, we support him, and when he is wrong, we oppose him on the issues, and the same thing is equally true of the Democrats. If you say we are being partisan, I think that is incorrect.

We are being very sharp on the issues, and not based upon the party labels, but based upon the issues.

Senator MUNDT. My conviction is that you are being partisan. My conviction is that the pattern of selected articles that you put in shows a very specific partisan basis.

I believe that. I have tried to demonstrate it. But I think you should have the same opportunity to do a careful survey job to present evidence to refute it, if the evidence is available.

That is the thing we are trying to establish, is it or is it not a periodical carrying a pattern of political bias.

MR. REUTHER. I think that is fair enough, and I shall avail myself of your offer, if it is agreeable with the Chairman.

Senator MUNDT. You could put it in at this point in the record at the time you have it available, or whatever date line there would be.

The CHAIRMAN. Without objection, and the Chair has no objection. That may be done.

Mr. Reporter, on receipt of it, you will print it in the record at this point.

(The document referred to follows:)

COMMITTEE ON POLITICAL EDUCATION,  
Washington, D. C., April 8, 1958.

Mr. WALTER REUTHER,  
*President, United Automobile, Aircraft and Agricultural Implement  
Workers of America, Detroit, Mich.*

DEAR MR. PRESIDENT: After reviewing your recent testimony before the McClellan committee, more particularly the comments Senator Mundt made about our COPE memo, I thought it advisable to make a thorough check of our material.

Inasmuch as you are going to comment to the committee on these articles mentioned by Senator Mundt after you have a chance to study them, I am enclosing a memo prepared by Dick Dashiell, our director of public relations. I sincerely hope it will be helpful to you.

With kind personal regards, I am

Fraternally yours,

JAMES L. McDEVITT, *National Director.*

Enclosure.

APRIL 3, 1958.

Memorandum to: James L. McDevitt.

From: Dick Dashiell.

Subject: Discussion of COPE memo by Senator Mundt at hearings of McClellan committee, March 29, 1958, during interrogation of President Walter Reuther of the UAW.

Senator Mundt implied strongly that the political memo from COPE was partisan and that it supported only Democrats. Although the Senator did not say so in so many words, any neutral person would draw from his remarks the plain inference that the COPE memo never criticized Democrats.

Mundt told Reuther that in the 23 issues of the memo from January 10 to December 12, 1957, there were "56 allusions" to President Eisenhower, Vice President Nixon and their administration. He said "all of them are distinctly unfavorable." He did not point out that many of these "allusions" carried no comment whatsoever but were plain recital of the facts.

At any rate, in checking through those issues, I have noted at least eight instances in which the memo was critical of Democrats. They are in the memos of January 10, April 4, May 30, July 11, July 25, and August 22. Inasmuch as Senator Mundt named the issue of January 10, 1957 specifically, it is of interest that in that very issue the memo criticized southern Democrats for their vote on the filibuster-civil rights legislation and listed their names in the roll call vote. Moreover, on page 3, we even complimented Gov. Harold Handley of Indiana for speaking out against the right-to-work bill. Handley later allowed the right-to-work bill to become law without his signature, but our story about him does show that we are quick to compliment a Republican when we think he has done or said the right thing.

I also checked the COPE memo for 1956 and found at least nine stories critical of Democrats. They are in the memos of February 2, February 16, March 1, April 12, May 10, July 19, August 16, October 25, and November 22.

During the colloquy between Senator Mundt and President Reuther, Mundt said:

"What about this one (speaking of 'unfavorable allusions' to the Eisenhower administration): What about the issue of February 7, 1957, and I quote from it: 'The cost of living has risen to an all-time high. Everything is booming, as they say, including payments for food, clothing, shelter, medical care, books, entertainment,' and on February 7, the commodity index showed that the prices were holding steady. They were not at that time booming."

Mundt contended that we told our members that prices were booming as part of what he called "a political persuasive paragraph." He repeated that the paragraph was not factual. However, Mundt had carefully omitted reading the whole item, which was as follows:

"Chairman William McChesney Martin of the Federal Reserve Board told the Joint Congressional Economic Committee that a rise of only 1 point in the Consumer Price Index costs the American public \$2,500 million a year.

"That means, then, that Americans now are paying about \$7,500 million more a year for goods and services than they were 12 months ago inasmuch as the cost of living has risen 3 points on the index to an all-time record. Everything

is booming, as they say, including payments for food, clothing, shelter, medical care, books, entertainment, etc., etc., etc.

"P. S.: From the New York Times, January 10, 1957: 'The Department of Agriculture forecast today that consumers would pay higher prices for meat this year'."

When taken in the context as presented in the first paragraph, the statement is sound and Mundt is guilty of distortion.

Senator MUNDT. Mr. Reuther, do you know Mr. Charles K. Johnson, one of the UAW subregional directors?

I believe he would come in the category of the 725 directors that you have.

Mr. REUTHER. We have a Robert Johnson, who is a regional director in region 4 of our union, but not a Charles Johnson.

Senator MUNDT. Where is region 4?

Mr. REUTHER. Region 4 would be Illinois and Iowa, I think.

Senator MUNDT. I think this must be Robert Johnson.

Mr. REUTHER. It is Robert Johnson, yes.

Senator MUNDT. Thank you.

I want to read you a short statement from the March 10, 1956, issue of Newsweek, and ask you a question or two about it.

It quotes Mr. Johnson as follows, and I quote him as it appears in the magazine:

Although I am the one who implemented this move—I should go back a little bit and tell you the story deals with what is alleged to be, and I use the word alleged advisedly, what is alleged to be a political plot or a political maneuver engineered with dues money from UAW headquarters in New York, by your Mr. Johnson.

He says:

Although I am the one—

he says in quotation marks in Newsweek—

Although I am the one who implemented this move in this particular area, it is really a national program out of Detroit.

We are starting on a course that will allow us to deliver Illinois in 1960 to the candidates we think best for labor.

Now, do you consider in Detroit that you have a program to deliver to Illinois the candidates that you think best for labor, and is it national in scope? Are you trying to deliver every State with the candidates you think best?

Mr. REUTHER. Senator Mundt, I learned about that story that you quoted from, and that was the first time that I had knowledge of what had taken place, according to that article, in Peoria, Ill. I talked to Mr. Johnson about it. He denies having said that. He says he has been misquoted. I want to emphatically say that there is no effort on the part of our union or the AFL-CIO, or any other segment of the American labor movement to my knowledge, to capture any political party.

I think political parties can be effective instrumentalities for making democracy work.

I believe in a two-party system, but only as they would be representative. I would be opposed to any group, whether it be labor, farmers, or business groups, or any group capturing either of the parties, because at that point they would be no longer representative and they would no longer be responsive to the needs of the people.

I disclaim any knowledge of this. Mr. Johnson says that it is not true that he stated what he is being quoted as saying.

Senator MUNDT. I think we can spell out this situation, then, and dispose of it in the testimony very quickly by a series of rather short questions, which I think can be answered with comparatively short answers.

The articles goes on to outline in some detail how the program is to be worked out at the local level through local No. 974, and that Mr. Johnson has said that there is a determined effort by local 974 to capture the Democratic machinery of Peoria, Ill., for the union.

As I take it, you tell me, No. 1, you know of no such effort, and, No. 2, that Mr. Johnson denies to you that he is involved in such a plot or program. Is that right?

Mr. REUTHIER. I made it very emphatic, and the answer is in the affirmative. We are not now nor have we ever been, and we do not intend to become, a party to an effort to capture any party. We are trying to work with parties, we are not trying to capture them, and Mr. Johnson denies that he said that.

Senator MUNDT. Would such an activity come within your understanding of the traditional functions of trade unionism?

Mr. REUTHIER. I think that this essentially is the fundamental difference between the approach to American problems and politics in America as contrasted to what I think is the pattern in most of Europe.

In most of Europe the labor movement is based upon a philosophy that labor must develop its own political instrument, and there are labor parties, of a character in most of the free nations or Europe with whom we are associated within the free-world alliance.

That is true of the Scandinavian countries; it is true of England; it is true of most of the other European nations.

The American labor movement has worked within the framework of the two-party system.

We are not trying to replace the free-enterprise system. We are trying to make it more socially responsible to the needs of the people.

Therefore, we are committed to work within the framework of the two-party system. We are not wedded to either party, although we work and support candidates in both parties.

Sure, the record is clear that while we have supported some 200 Republicans at various levels of our governmental structure in the past years, we have supported many more Democrats. But we are not trying to capture any party. In Michigan, where this charge is made, it is untrue, and if you went into an objective analysis—

Senator MUNDT. Peoria, Ill.

Mr. REUTHIER. I know, but this charge is made generally. We are not trying to capture the party there. We are not trying to capture the party anywhere, because at the point we would capture it, it would then be a narrow party that would not be an effective instrument because it would no longer be representative, and it would defeat the very purpose that only a representative party can meet.

Senator MUNDT. On the point that you mentioned, that you support candidates in both parties, the Congressional Quarterly, in its issue of March 21, verifies that statement with emphasis. The Congressional Quarterly survey reports the contributions by labor groups

in the 1956 campaign showed that of an expenditure of \$1,078,852 in Federal political campaigns, you did contribute \$3,925 to the Republican candidates.

That is the exception that proves the rule.

Mr. REUTHER. Yes. I say it very candidly, that we support mostly Democrats; the trouble is it is getting harder and harder to find a Republican worthy of our support. This is our trouble. You are the answer to that. We can't make you differently.

Senator MUNDT. You seem to have great difficulty when out of \$1,078,000, it gets down to that. This money, I presume, is not what we are talking about here, it is not dues money?

Mr. REUTHER. That is voluntary money, and the Gore committee report, Senator Mundt, lists this in great detail. I would like to put in the record at this point exactly what the facts are.

You want to talk about politics. I thought we were going to talk about the Kohler strike.

Senator MUNDT. I am talking about what Reuther talks about. And he talks about a lot of other things besides the Kohler strike.

Mr. REUTHER. I am perfectly willing to talk about it.

Senator MUNDT. There is no quarrel about that. Do you want to put something in the record? Go ahead.

Mr. REUTHER. All right. Mr. Chairman, I would like to put into the record this very short—I will read it. It will only take a minute. These were the political contributions which were set forth in the Gore committee, which is the proper committee of the United States Senate to investigate these matters, and I appeared before that committee and your two distinguished Republican colleagues were there at the time I appeared.

The Gore committee report reveals the following facts, and I quote:

1956—

according to the Gore committee report—

the Republican Party raised \$32,430,587, and spent \$26,874,873, while the Democratic Party raised \$12,891,141 and spent \$11,770,724.

All labor groups together, and this includes the AFL-CIO, and all the nonaffiliated, the railroad groups that are not affiliated, the mine workers, and all labor groups combined, representing somewhere around 17 million organized workers, all labor groups combined raised \$2,578,181 and spent \$2,162,337. Of this, 17 principal labor committees raised \$1,912,990 and spent \$2,162,337.

Included in the labor group's work, the AFL-CIO COPE raised \$995,536 and spent \$989,722, and the UAW raised \$162,235 and spent \$256,105. The moneys in excess of that were moneys we had raised at an earlier period.

In contrast to the moneys raised, less than \$1 million by the roughly 14 million members of the AFL-CIO, through their efforts, in contrast to that, 12 families contributed \$1,040,526 to the Republican Party, more than the 14 million AFL-CIO COPE members contributed. One family, the Du Pont family, contributed to the Republican Party \$248,423. In other words, that was considerably more than we collected from our one and a half million members.

Thirty-seven General Motors executives gave more than \$500 each for a total of \$163,250, a sum greater than we collected from our one

and a half million members. Members of the Business Advisory Council of the United States Department of Commerce gave to GOP \$500 or more of contributions, for a total, from the members of this committee, advisers to Mr. Weeks in the Department of Commerce, \$268,499, or much more than we collected from our total membership.

They raised \$100,000 in that Texas dinner we talked about, and there, for a while, it looked as though it was too tainted for the Republicans to keep, but they finally decided to keep it.

Mr. C. E. Wilson came to Detroit and in one evening raised \$280,000 for the Republican Party of Michigan. Who do you think was there? All the corporation executives, and they had a right to be there. They have a right to be there. But when you get, as we did in 1956, \$162,365 from our membership in the whole country, and we spend that to support candidates who support the issues that we believe relate to the needs of our people and the people of America, somehow that takes on some very dangerous connotations in the minds of certain people.

But when big corporations, and the record is all there, when they can raise millions and millions of dollars, when 12 families can give more than the whole labor movement raised, that is perfectly all right. I say, Senator Mundt, we spend money for educational purposes. The courts found that we have a legal right to do it. We are within the law. When it comes to moneys that are in the category of Federal elections, we spend voluntary money, as we have a right to do.

We are living within, I think, the framework of the law.

(Members of the committee present: Senators McClellan, Mundt, Curtis, and Goldwater.)

Senator MUNDT. Mr. Reuther, I am not challenging you as doing anything illegal. I am glad you read everything you did in there because I would like to have you put in the record the answers to these questions, which I know will take a while, which we can rest with and work on when we get to this area of our committee investigation.

Will you put in the record at this point how much money was spent politically in 1954<sup>1</sup> and 1956 by the AFL-CIO? I cannot ask you for other union money. You are the vice president of that. In a State or National elections which were run on a partisan basis. I am not interested in the judgeships, and so forth, or mayors.

Mr. REUTHER. In partisan elections?

Senator MUNDT. Yes. No. 2, how the money was raised. No. 3, how it was distributed or spent. No. 4, what steps, if any, were taken to divorce this union activity and these union activities from the regular salaried employees of the union whose salaries are paid from union dues?<sup>2</sup>

(At this point, Senator McNamara entered the hearing room.)

Mr. REUTHER. It is all in the committee's report. The Gore committee.

<sup>1</sup> From letter sent to Senator McClellan from Walter Reuther on April 29, 1958: "Since the AFL-CIO was formed in December 1955, and its committee on political education was formed on February 1, 1956, there was no AFL-CIO or COPE in 1954 and hence no figures exist for that year."

<sup>2</sup> Statement taken from letter sent to Senator McClellan from Walter Reuther, April 29, 1958: "We were asked 'What steps, if any, were taken to divorce this union's activities and these union activities from the regular salaried employees of the union whose salaries are paid from union dues.' I am informed that between September 14, 1956, and November 6, 1956, salaries and expenses of employees connected directly or indirectly with the Federal election campaign were paid from the 'individual contributions account' consisting entirely of voluntary political contributions by AFL-CIO members. These salaries and expenses totaled \$112,628.58."



Senator MUNDT. I want you to condense it so we will have it in just that position to what you read.

Mr. REUTHER. It is available in the Gore committee report and I shall see it is transferred to the committee.

Senator MUNDT. And put it at this point in the record so we have the two together.

(The document referred to follows:)

COMMITTEE ON POLITICAL EDUCATION

*Schedule of expenses and income*

INDIVIDUAL CONTRIBUTIONS FUND

Feb. 1 through Dec. 31, 1956:<sup>1</sup>

Income:	Cumulative
Contributions.....	\$559,666.10
Distribution of literature.....	21.00
Total income .....	559,687.10
Expenses:	
Travel.....	40,765.45
Salaries.....	71,863.13
Taxes and pension fund.....	5,937.01
Salaries, shipping receipt books.....	9,772.64
Radio and TV.....	7,984.33
Postage and express.....	6,152.74
Printing.....	43,004.28
Telephone and telegrams.....	5,706.16
Stationery and office supplies.....	3,154.78
Receipt books.....	20,269.44
Contributions.....	456,293.55
Total expenses.....	670,903.51
Total expenses over income.....	(-111,216.41)

Jan. 1 through Dec. 31, 1957:

Income:	
Contributions .....	227,081.94
Refunds of special allocations.....	1,942.37
Total income.....	229,024.31
Expenses:	
Salaries .....	4,776.78
Travel .....	1,270.35
Taxes, pension and insurance.....	3,880.47
Postage and express.....	2,998.52
Stationery and office supplies.....	57.89
Telephone and telegrams.....	80.14
Printing .....	15,743.58
Receipt books.....	14,349.72
Radio, TV, and recordings.....	3,134.99
Contributions .....	28,913.00
Total expenses.....	75,205.44

<sup>1</sup> COPE formed Feb. 1, 1956.

## EDUCATIONAL ACCOUNT

Feb. 1, through Dec. 31, 1956 :

Income :		<i>Cumulative</i>
Contributions -----		\$286, 275. 00
Distribution of literature -----		483. 75
COPE Memo (subscriptions) -----		11, 345. 83
How To Win (sales) -----		5, 435. 25
Speakers Book (sales) -----		1, 305. 00
Total income -----		<u>304, 844. 83</u>
Expenses :		
Salaries -----		52, 739. 82
Taxes and pension -----		4, 742. 08
Postage and express -----		4, 016. 08
Rent, moving, and storage -----		1, 141. 05
Books, periodicals, and subscriptions -----		2, 017. 23
Printing -----		86, 550. 71
Travel -----		6, 073. 82
Telephone and telegrams -----		369. 18
Equipment and maintenance -----		255. 00
Stationery and office supplies -----		2, 917. 09
Radio and TV -----		49, 651. 92
Contributions -----		57, 839. 14
Total expenses -----		<u>268, 313. 12</u>
Total income over expenses -----		<u>36, 531. 71</u>

Jan. 1 through Dec. 31, 1957 :

Income :		
Contributions -----		255, 868. 07
COPE Memo (subscriptions) -----		15, 281. 55
How To Win (sales) -----		1, 931. 25
Speaker's Book (sales) -----		119. 20
Total income -----		<u>273, 200. 07</u>
Expenses :		
Salaries -----		35, 130. 11
Travel -----		25, 817. 67
Taxes, pension, and insurance -----		634. 18
Postage and express -----		3, 032. 48
Telephone and telegrams -----		414. 59
Stationery and office expense -----		3, 508. 54
Books, periodicals, and subscriptions -----		735. 86
Printing -----		5, 273. 69
Radio, TV and recordings -----		2, 719. 91
Contributions -----		27, 350. 00
Total expenses -----		<u>104, 617. 03</u>

*COPE Contributions*

Year 1956 :		<i>Cumulative</i>
Presidential election .....		\$56, 500. 00
Senatorial candidates .....		148, 375. 00
Congressional candidates .....		148, 242. 28
Gubernatorial candidates .....		24, 500. 00
AFL-CIO State and city bodies .....		107, 415. 41
Non-AFL-CIO organizations .....		29, 100. 00
<b>Total</b> .....		<b>514, 132. 69</b>
Year 1957 :		
Senatorial candidates .....		24, 663. 00
Congressional candidates .....		4, 250. 00
AFL-CIO State and city bodies .....		25, 850. 00
Non-AFL-CIO organizations .....		<b>1, 500. 00</b>
<b>Total</b> .....		<b>56, 263. 00</b>

WHO DETERMINES WHERE AND HOW MUCH MONEY WHICH IS SPENT POLITICALLY  
IS SPENT

No money is contributed to any candidate until that candidate is endorsed by the State body or lower appropriate unit. In the majority of cases this endorsement action is by special convention of duly elected delegates and in no case is it by a body smaller than the duly elected State executive board or executive board of the lower appropriate unit of the AFL, CIO or AFL-CIO central body (i. e. county organizations may endorse candidates for county office, city organizations may endorse candidates for city office, etc.).

Following endorsement, a recommendation is made to the national director of COPE. The national director of COPE consults his staff, including the area director concerned, and the COPE operating committee, consisting of the secretary-treasurers and/or political education representatives of 28 national and international unions.

If the recommendation of the State organization is approved by the national director of COPE after this procedure, the contribution is forwarded to the State organization for delivery to the endorsed candidate, a receipt is secured and is kept on file in the national office of COPE.

All accounts are audited periodically. All reports, as required by law, are filed with the proper agencies of Congress.

Senator MUNDT. Finally, who determines where and how the money which is spent politically is spent? I am not doing this in terms of any law violations.

Mr. REUTHER. You want that in a memo?

Senator MUNDT. Yes. The reason is that it would be one of our responsibilities to look into the problem of whether any new legislation is needed in this field. I am not making any allegations of any improper or illegal activities. We do have to find out whether new legislation is needed in this field, and it may be from your standpoint and the standpoint of corporations.

In that connection I would like to ask you this question: Do you feel the Federal Corrupt Practices Act was designed to prevent both the expenditure of union funds and the expenditure of corporation funds for political purposes, or do you construe it just to be applicable to corporations?

Mr. REUTHER. Senator Mundt, I have here a magazine that bears on the point you raised.

Senator MUNDT. Answer the question first.

MR. REUTHER. I maintain that the trade union movement in America in the area in which it is spending what we call organizational or educational funds is merely carrying on his legal right to exercise the right to disseminate its point of view on issues, and this is an area in which we have a legal right.

Corporations have that same legal right. If you will look at this magazine called *Nation's Business*, July 1956, there is a large headline across the top of the page which says, "Business in Politics." How far can you get? Then there is a paragraph which reads:

Paid for salaries to employees who spent part of their time in political activity. Union staff members spend a lot of time politicking. The late Senator Taft's campaign got help from management employees drawing full salaries from their companies.

The Ford Motor Co. does this. They have their people spending time during elections. I think they have a legal right. So do we. But when it comes to financing Federal campaigns and making contributions to candidates, we adhere strictly to the law and we use only voluntary funds.

Senator MUNDT. Is your answer in the affirmative that you feel the Federal Corrupt Practices Act was to be applied equally to corporations and unions?

MR. REUTHER. That is right. If *Time* magazine, the *Life* magazine, to be accurate—and that is a business, it is a company organized to publish a magazine for the purpose of making a profit—if that magazine can run a full-page editorial and have five or seven million circulation and be subsidized by special mailing privileges, subsidized by the taxpayers of the United States, in which they run a full-page editorial endorsing a candidate, then our union can do the same thing and General Motors can do the same thing.

Senator MUNDT. I am just trying to establish for the record—

MR. REUTHER. The General Motors Corp. contributed as their records will show, between 1947 and 1950—the General Motors Corp. gave to educational groups, to propaganda groups, \$4.5 million, and if you will trace down that money you will find it was used to peddle their ideas through many organizations that are doing that.

Senator MUNDT. Just answer the question.

MR. REUTHER. I say they have a right.

Senator MUNDT. All right. Answer 2 or 3 quick questions and we will button this up because when you have provided the information I have asked for which you will put in the record at this point, we are going later in these hearings to the whole sticky problem of what legitimate functions unions should play in politics and what they should not.

But at this juncture, so we can see that we have a meeting of minds, you have told me, I believe, that you feel the Federal Corrupt Practices Act now intends to apply the restrictions against political activities equally to unions and to corporations. Would you go with me on this point? If that is or is not true, that whatever laws are written in the field of political activities—new laws—should apply equally to union activities and corporation activities?

MR. REUTHER. First of all, the existing legislation already provides that neither a trade union nor a corporation—

Senator MUNDT. We have agreed on that. We are looking ahead.

Mr. REUTHER. All right. I am opposed to any effort to abridge the right of self-expression whether it be by the spoken word or the printed word, and I am in favor of permitting every American to express his point of view. I say that when a newspaper runs an editorial as newspapers do on candidates—

Senator MUNDT. We are not arguing for new laws. We are saying if new laws are to be written, if they are to be written, would you go along with the point of view that they should deal similarly and equally with corporations and unions. Maybe we don't need any new laws. Maybe we do.

Mr. REUTHER. I don't think you need new laws.

Senator MUNDT. The point is, do you agree they should be kept in balance as I have suggested?

Mr. REUTHER. I would like to see the legislation you are talking about and maybe I can answer it more intelligently. I am not going to get into a discussion where you are talking about hypothetical abstracts.

Senator MUNDT. You are not willing to apply to the principle that whatever applies to the unions should apply to corporations and whatever applies to corporations should apply to unions in the field of political activity. You won't take that principle and accept it?

Mr. REUTHER. The law is already there with respect to contributions of Federal candidates, parties, and so forth.

Senator MUNDT. We are looking ahead.

Mr. REUTHER. With respect to the question of freedom of expression I would not want to infringe on that as it relates to any group in America.

Senator MUNDT. About how long do you think it would take for you to provide for the record the material we requested?

Mr. REUTHER. I don't know.

Senator MUNDT. Just a rough guess. Two weeks, three weeks?

Mr. REUTHER. I might say we will do it as quickly as we can.

Senator MUNDT. Within a month certainly?

Mr. REUTHER. I am sure it can be done even quicker than that. We will do it as quickly as we can.

Senator MUNDT. I am not trying to press you for time.

Mr. REUTHER. I understand that.

Senator MUNDT. I don't want any delayed tactics which gets us by the adjournment of Congress.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Chairman, when we recessed last night I had started to ask some questions. All of them were pertinent to the Kohler strike and I shall continue in that. In the testimony that has been adduced here through the weeks, we have found considerable material in the Kohler situation that is of value on the question that we voted to investigate.

The treatment of police, the appeals, the attack upon judges, the refusal of extradition and so on was so shocking that I turned to the news mediums of the country, which I believe is an institution of integrity, to see what happens in other situations where the UAW was the union involved.

I had about completed my references to these other strikes and I have just a few questions further in that regard.

Mr. Reuther, do you remember the Square-D strike in Detroit in the latter part of 1954? You may answer yes or no.

Mr. REUTHER. There was a strike in the city of Detroit at the Square-D Co. by another union, not by the UAW.

Senator CURTIS. I take it your answer is "yes." Was the union involved the UE?

Mr. REUTHER. That is right. The strike was called by the UE.

Senator CURTIS. All right; when you have answered keep still for the next one. Was it alleged at that time that some of the UE leadership was communistic?

Mr. REUTHER. Oh, it was alleged much before that time, Senator Curtis. I happen to be——

Senator CURTIS. Just a minute, you answered the question and I have not yielded to you for a speech.

The Detroit Press of September 4, 1954, quoted Emil Mazey, secretary-treasurer of the UAW-CIO, as follows:

The workers have been caught in a squeeze play by unscrupulous management and the communism leadership of the United Electrical Workers.

Is it true, Mr. Reuther, that later the UAW supported the Square-D

Mr. REUTHER. It is true, Senator Curtis.

Senator CURTIS. I find in the Detroit Press——

Mr. REUTHER. Mr. Chairman, I am a very patient man but I am still an American citizen with certain rights and I am going to exercise them whether the Senator wants me to or not.

Senator CURTIS. You are the only witness in this entire Republic of ours that comes here and attempts to dominate a committee. I shall ask the questions.

The CHAIRMAN. Just one moment.

Mr. REUTHER. I never answered the question.

The CHAIRMAN. Just one moment. There is not anybody going to dominate this committee as long as I am in this chair. Ask the question and the witness answer.

Mr. REUTHER. Mr. Chairman, I did not finish my answer.

The CHAIRMAN. The witness answer the question and make brief explanations. It is quite proper for a witness to do that if he desires.

Mr. REUTHER. Thank you, Mr. Chairman.

The record will show that I have not even given an extremely brief answer to the last question, and yet Senator Curtis chops me off. I don't think that is fair.

The CHAIRMAN. All right; let us proceed.

Mr. REUTHER. I would like the last question repeated so I might answer it my way.

Senator CURTIS. It has already been answered.

Mr. REUTHER. It has not been answered. You are asking, I have not answered. I would like to have it reread.

Senator CURTIS. I would like to have the reporter read the question and answer.

The CHAIRMAN. Read the question and answer and if the witness desires to make any explanation, the Chair will grant that permission.

(The pending question and answer were read by the reporter.)

The CHAIRMAN. All right. What is the question now? Do you know? Answer it.

Mr. REUTHER. I think the question was did we support that strike, and I said yes to that. And the second question was, referring to a quote from Mr. Mazey, of saying that the Communists were involved in this situation, and I think that that ought to be clarified, because we are not in the habit of supporting situations where the Communist leadership is involved, because we kicked these Communists out of the CIO, and I had a great deal to do with that, and the UAW had a great deal to do with that.

Here was a situation where a group of workers had a strike, and it is true they were being victimized, on the one hand, by a company that wouldn't give them what they were entitled to, and they were being victimized by Communist leadership.

We supported them because we were working to take that union away from the Communist-controlled union, and we did. That group is now in our union and that is why we supported them, to take them away from the Communists.

I don't want the implication to be that we supported them because we were supporting Communists.

The CHAIRMAN. Next question.

Senator CURTIS. I had no intention of doing that.

I find that the Detroit Free Press, on September 10, the same year, states:

The plant was harassed by mass picketing, reinforced by UAW members.

On the next day, the same paper said that a UAW picket told the police:

You are wasting your time here. We are going to follow those workers to their homes. You can look for trouble there.

Mr. Reuther, is it true that on September 14, 1954, the International UAW-CIO gave its approval to the strike?

Mr. REUTHER. I do not know the exact dates, but as I said earlier, at the point where we felt it was possible to liberate these workers from Communist-dominated leadership in the Communist-controlled UE, we gave the official sanction and support as a part of our efforts to win these workers over, and we did so win them over and liberate them from Communist domination.

Senator CURTIS. All right.

The Detroit Free Press on September 14, 1954, says that the International UAW-CIO gave its approval for the first time Monday to mass picketing by the locals in support of the bitter 91-day strike at the Square-D plant.

The announcement concerned 14 locals with 200,000 employees, and pledged their "full moral, physical, and financial support to the Square-D workers." Later on in the month, on the 24th, the Detroit Free Press carried the news item of Emil Mazey's denunciation of Judge Skillman.

Do you remember whether or not Mr. Mazey did make a statement about Judge Skillman?

Mr. REUTHER. I do not. This is the first time that has ever been called to my attention. I know nothing about it.

Senator CURTIS. I beg your pardon for not prefacing these remarks by stating that I was not trying to bring the Communist issue in at all. I am pursuing my theme of your practice, meaning your union, toward the administration of justice.

Mr. Reuther, was your union engaged in a strike at the Bell Aircraft Corp. in Buffalo, N. Y., in 1949?

Mr. REUTHER. I think it was.

Senator CURTIS. The Buffalo Evening News of September 3, 1949, quoted a union spokesman to the effect that, and I quote:

That little commando raid, the union's march on the Bell plant on August 19th, was just a skirmish, just to show what we could do that they couldn't expect.

The same paper on September 28, 1949, carried the story that the strikers attacked several carloads of workers and stoned a school bus carrying senior high school students to Niagara Falls in the apparent belief that it was carrying workers.

One car containing workers was smashed by strikers. Women and children were being used on picket lines. The paper also says that the judge of the children's court stated that he would entertain proceedings against any parent who places his child in a position of like physical danger or injury. And on the next day, the same paper summarized the incidents as follows:

Clubs and fists flew, rocks were hurled, and tear gas was used as a renewal of violence shook the Bell Aircraft strike scene. Sheriff Meisner reported that 28 of his deputies had been hurt by a hail of rocks and clubs.

Sixteen unionists, including six women, were held. The incident opposed a motorcade of workers coming into the plant.

Mr. Reuther, I do not ask you to agree to the accuracy of the news reporting of that time. But my question is: Did all of this happen after you became—or is all of this alleged to have happened—after you became president of the UAW-CIO?

Mr. REUTHER. Well, if it took place in 1947——

Senator CURTIS. 1949.

Mr. REUTHER. 1949. It was during the period that I was president of the UAW.

Senator CURTIS. Now, here is something else following the pattern. The Buffalo Evening News of October 5, 1949, states that the Greater Buffalo Industrial Union Council, CIO—this is the council, the CIO, to be distinguished from the UAW itself—adopted a resolution condemning the Niagara law enforcement agency's legal and judicial departments for their activities in the Bell strike.

The same paper, on October 13, 1949, quotes Walter P. Reuther in a personal appearance before the Bell strikers as saying that the international union will "mobilize the full power of the American labor unions until the white flag is raised over the Bell Aircraft Corp. plant."

Do you recall making that statement?

Mr. REUTHER. I do not. It is possible I could have made it.

Senator CURTIS. Yes.

Mr. REUTHER. But it seems to me that you ought to realize what we are talking about when we talk about the full power of our union. It means the full support of our union financially and organizationally to support the strikers to win.



But I think, Senator Curtis, that I cannot sit here and just take any report you take out of any paper and accept that as a fact. I don't want to keep challenging you, but I would like to give you an illustration.

Yesterday I sat on this witness stand and I talked about my attitude about violence and other things. Here is a typical example. Maybe 6 years from now some Senator is going to read this headline as though it were gospel truth. Here is the Chicago Daily Tribune with a big headline, "Reuther O. K.'s Goon Trial. UAW Backing of Leftwing ADA Bared," as though it was a big secret.

Then it goes on, "Hires Ex-Reds, Boss Admits."

But nobody that sat here yesterday thinks that I O. K.'d goon trials, and so forth. As the record shows, Senator Curtis, I have been the victim of more unprovoked violence than any man in public life.

Senator CURTIS. You told us that 3 or 4 times.

Mr. REUTHER. I know, but you don't want to talk about that. You just want to talk about the things that will try to put my union in a bad light, when my union has had to fight about this sort of thing.

Senator CURTIS. Mr. Chairman, I haven't asked him a question.

Mr. REUTHER. I am giving you this voluntarily.

Senator CURTIS. I know.

The CHAIRMAN. Ask the question.

Senator CURTIS. The CIO News published in Washington, D. C., February 12, 1951, carries an article which I want to read the first two paragraphs from to show a further delay and escape from sentence.

Twenty-five members fined and sentenced to jail on charges of violating an antipicket injunction during the 1949 strike of the CIO autoworkers at the Bell Aircraft Corp., Niagara Falls, N. Y., wouldn't have to serve their prison terms. Justice William H. Munson, of the New York State Supreme Court, modified the sentences at the joint request of the attorneys for the union and the company who said they acted "in the interest of national defense." The fines still stand.

My only purpose in referring to it is that there, again, these financed defenses delay and delay, and the sentence isn't carried out. These practices of mistreatment of police, coupled with attacks on our courts and judges, well-financed delays, totally demoralize the work of the police, prosecutors, and judges.

Then you have coupled with that the fact of union-supported officials granting pardons, commuting sentences, and resisting extradition, which leads me up to the matter of the judges.

Mr. Reuther, I want to ask you: Does the UAW take part in campaigning for judges of the courts in the State of Michigan?

Mr. REUTHER. The UAW membership, through the processes by which those decisions are made, not the union, but the groups that come together for the purpose of discussing the endorsement of candidates, they do endorse officials at every level of our government.

Senator CURTIS. When Mr. Gunaca was before the committee, and I am referring to the Gunaca who is wanted in Wisconsin and who is still in Michigan, he stated that some of his work that he did for the union was to campaign for judges.

Was Mr. Gunaca correct in that, that his employer was the union, or is my understanding of that correct?

Mr. REUTHER. Well, I obviously am not familiar with Mr. Gunaca's activities. I never met the man. If he says under oath that he was involved in some campaigning there, and that there was a slate that

had offices for various local governments, including judges, I assume that is correct.

Senator CURTIS. In these hearings on the Kohler strike, we have found that the UAW contributed to the campaign fund of Sheriff Mosch, and also of the mayor of the town, who, in turn, had charge of the police.

Mr. Reuther, has that practice been carried on in Michigan?

Mr. REUTHER. Would you repeat that, please?

Senator CURTIS. Now, in these hearings on the Kohler strike, we have found that the UAW contributed to the campaign fund of Sheriff Mosch, and also to the mayor of the town who, in turn, had charge of the police.

Mr. Reuther, has that practice been carried on in Michigan?

Mr. REUTHER. Well, I just stated that through the mechanisms of the labor movement—I mean, in the city of Detroit, the UAW doesn't endorse people and we don't endorse people in Michigan, but there are established councils of the AFL-CIO by which workers in a congressional district get together and they discuss, after having the committee interview the candidates, on which candidate they think, based on the candidate's thinking on the issues, they ought to endorse.

That is true at the various levels. If it is a statewide contest, there is a comparable meeting at the State level and they make the decision there. It is not a UAW decision. It is a decision through the council machinery established for the purpose of making an endorsement, based upon a discussion with the candidates, and based upon where they stand, and only the decision is made by the people involved at that level.

I don't participate in these things. People in the congressional district or the State.

Mr. REUTHER. If you can show us—I have never said there is no corruption in the UAW?

Mr. REUTHER. Senator Goldwater—Senator Curtis, if you—

Senator CURTIS. Thank you.

Mr. REUTHER. If you can show us—I have never said there is no corruption. I have said that we have not been able to find any, and if there is some somewhere that we don't know about, and you can expose it, you bring us the evidence and, as I told you the other day, we will not wait until tomorrow; we will go to work today yet.

Now, we have never claimed perfection. But I believe a union which is prepared to have its stewardship reviewed by a panel of public-spirited citizens in the important area of its internal democratic procedures, on the Communist question, on the corruption thing, that that union, while not claiming perfection, as we don't, is nevertheless a union that is desirous of trying to move toward perfection as far as that is possible for a group of individuals to do.

So I say to you, we don't claim there is no corruption, but we don't know where any of it exists or we would clean it up.

Senator CURTIS. The record has been established here, and I could think of no more serious form of corruption than the using of union money, manpower, and political strength to hamper, harass, interfere with, and obstruct the administration of justice and to undermine our courts.

If we were going to view corruption going on in the world today as it affects the youth of our land in any community, and you had on the

one hand a community where a labor leader had betrayed his trust and embezzled his workers' money, that is bad; it would have a very bad effect, and is a bad form of corruption.

On the other hand, if our youth must grow up in a community where violence takes place, where instead of police being respected and obeyed they are roughed up, where a great organization with millions comes in and finances the defense of people who unmercifully beat up others, like William Vincent did, where that same organization attacks judges, where part of the offenders seek refuge in another State, and the extradition is prevented—were those two types of corruption to be compared, I think the answer would be tweedle-dee or tweedle-dum.

Mr. REUTHER. Have you concluded?

Senator CURTIS. I want to ask you about something that you said the other day.

Mr. REUTHER. Wait a minute, now. In all fairness, I think you have made a conclusion. I think you had that conclusion about a year and a half or 2 years ago. It didn't come out of this hearing. You are now trying to prove a predetermined position, which is politically motivated, in my opinion.

Senator CURTIS. All right.

Mr. REUTHER. You have not proven that the UAW is attempting to tamper with justice; yesterday you attempted to challenge the integrity of a public official, Governor Williams, by impugning his integrity by saying that he was obligated to us, by trying to say that he is blocking justice and so forth. This is not true. You could not prove it is true. I have a document here right now, the Congressional Record, where a member of the three Republicans who sit there used language talking about the Supreme Court decision.

It would be just as easy for me to pull all that out and then try to say that this proves that you are trying to undermine the status of the Supreme Court.

I think that that would be ridiculous. But when you do it, it is equally ridiculous, in my opinion. You have not proven this.

You take isolated newspaper clippings, pick up this, you pick up that.

And then you try to fabricate a conclusion. Just as Senator Goldwater the other day referred to 37 deaths and talked about the UAW; and when Senator Paul Douglas dug up the record, not one of these people was killed in a UAW strike.

Why did you associate it with the UAW?

This is part of the smear campaign. Our union has had less violence than most unions. That is why none of these 37 people who were killed were in our union. This is the attempt—the decision is: Reuther has got to be destroyed because his union is active in politics, and let's find some way.

We know Reuther didn't steal any money. We know Reuther hasn't got gangsters running his union. We know they kicked out the Communists. Now let's fabricate this theory of violence.

Senator Goldwater then talks about the 37 killings and makes it look like it is the UAW but none of them were in the UAW. Why?

Because the simple facts are, Senator Curtis, that we have been involved in violence, mostly on the receiving end, and where there were mistakes made in these isolated situations, involving the biggest union

in America, with 2,600 contracts, you can't fabricate out of these little isolated situations a conclusion and substantiate it as you are trying to. The facts are that this union has worked hard to avoid violence. We have done everything in our power to discourage it.

Senator CURTIS. All right.

Mr. REUTHER. But that doesn't change the fact that sometimes people being human are carried away by their emotions and they do things that are wrong, and we condemn that. When you say we are trying to obstruct justice, we are trying to corrupt justice, I am here to tell you you are wrong, and you can go on doing it. But you are wrong.

And if you think it will get you political votes, you go ahead, because you are fooling yourself. The people of this country are going to look at you and say: What are you doing about unemployment, what are you doing about farmers, what are you doing about schools? And these are the things that will determine the election issue in 1958 and 1960.

Senator CURTIS. All right, Mr. Reuther. That isn't the first time that you have cluttered up our records here with attacks upon members of the committee. I repeat there is no other citizen in the United States that shows such disrespect for the Senate of the United States as you.

Mr. REUTHER. I might say that I have never been treated so disrespectfully as I have been treated by certain members of the Republican minority that sit there.

Senator CURTIS. You answer the question and we will get along all right.

The record is well established.

The CHAIRMAN. This Chair is not going to permit anybody to show disrespect and contempt of this committee, knowingly; if any is being shown here, it hasn't penetrated me yet.

I think a witness has a right to answer. I would like for the witness—I don't mind telling him—to shorten his speeches and let's get along.

Mr. REUTHER. I would like to shorten this whole affair, Senator, if we can stick to the Kohler strike.

(At this point, the following members of the committee were present: Senators McClellan, McNamara, Goldwater, Mundt and Curtis.)

Senator CURTIS. Mr. Reuther, on Thursday you said before this committee, found on page 4203 of the transcript, and I quote:

Unlike some of the other unions that were called here before your committee, our union does not appear here in defense of its activities as it relates to corruption and racketeering.

Will you state what other unions you were referring to?

Mr. REUTHER. I think that there were five unions before your committee who fell in the general category that I was defining.

Senator CURTIS. Will you identify them?

Mr. REUTHER. I think the Teamsters Union, I think the Bakers Union, I think the Allied Industrial Workers Union, I think the Operating Engineers were involved, and the United Textile Workers. I think that is the list.

Senator CURTIS. Mr. Reuther, also relating to your testimony on Thursday, page 4205, you said this:

Because a certain small minority in the leadership of the American labor movement have betrayed their sacred trust \* \* \*

Mr. Reuther, what leaders were you referring to?

Mr. REUTHER. Your committee published the report, and you dealt in detail with the individuals involved.

I can't name all those individuals because I don't remember every individual, but they are all set forth.

Senator CURTIS. Name as many as you can, please.

Mr. REUTHER. They are all set forth in your reply.

Senator CURTIS. I understand. But I am quoting from your statement.

Mr. REUTHER. I will name you people that come to mind without too much thought. Mr. Beck, and Mr. Hoffa, and there were all the people in the Teamsters union who were involved in wrongdoings that were found to be guilty of these wrongdoings by the AFL-CIO Ethical Practices Committee and the executive council.

Then there was Mr. Cross of the Bakers Union, Mr. Valente and Mr. Klenert of the United Textile Workers Union, among others.

Senator CURTIS. The other day—and I do not expect to put any cumbersome material in the record, Mr. Chairman, but I want the record to show the response to my request for material—on March 25, 1958, I made a request, which is found on page 3851 of the transcript for that day, in which I said I wanted certain information that I would like to have Mr. Reuther furnish at the beginning of his testimony.

The information I requested was as follows:

1. A list of all the international representatives who have been commissioned, appointed or designated by the UAW-CIO, together with a copy of the commission form received.

I have received a list containing almost 32 pages, with 22 names on a page, which is entitled "International Representatives" and a statement that it is the representatives as of Wednesday, March 26, 1958.

I have not received all of them that were requested under the request because I requested all that had been commissioned.

I did receive what appears to be an identification or credentials card which I assume is in response to my request for a copy of the commission form used.

Mr. Chairman, it is very small but it shows some of the authority or the authority of an international representative. I ask unanimous consent that that be put in the record.

The CHAIRMAN. Without objection, the card will be printed in the record.

(The matter referred to is as follows:)

INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT AND AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA (UAW)

*To Whom It May Concern:*

This is to certify that \_\_\_\_\_ is hereby duly authorized and legally commissioned as \_\_\_\_\_ of the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW). This commission is issued by virtue of the authority vested in the international president and international secretary-treasurer by the constitution of the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW), and entitled the bearer to do and perform all lawful acts pertaining to his office and to exercise all the authority conferred by

the laws of the organization. This commission expires 10 days after the Seventeenth Convention of the UAW, unless terminated previously under the terms of the Constitution.

----- this ----- day of ----- 195--.

WALTER P. REUTHER,  
*International President.*  
 EMIL MAZEY,  
*International Secretary-Treasurer.*

Senator CURTIS. Secondly, my request was that each individual listed as an international representative be identified amply and that such identification include any aliases which might have been used by such representatives.

The only compliance I have received in regard to this is that on the 32 pages I referred to there is the mailing address given.

No response at all was given to my request that they give ample identification and particularly that they give any aliases that may have been used.

The third thing that I asked for was a list showing the instances in which each international representative has been designated to serve in a labor dispute, either directly participating in the dispute or serving in an advisory or consultative capacity for any period of time whatsoever.

This has not been complied with.

Fourth, I asked for all information which the UAW-CIO has concerning the arrest of any international representative in connection with the commission of a misdemeanor or a felony, either while serving as such representative or at any other time.

This has not been complied with.

Mr. Chairman, it is, I submit, that it could have been complied with very quickly and easily. The legal department of the UAW provides lawyers and maintains the defense for their men, at least many times when they are arrested.

Therefore, they do have records right there that their legal departments could have assembled right off.

My request was for information concerning the arrest upon which the UAW had information. They haven't complied with the list of the people that they have participated in the defense of.

Fifth, my request was as follows: A copy of the constitution of the UAW. That has not been complied with.

I did receive a page and a half of excerpts from the UAW constitution. But certainly my request was not unreasonable and it could have been complied with.

Now, on with the question, Mr. Reuther—

Mr. REUTHER. May I respond on that because I would like to tell the Senator what we are trying to do.

The CHAIRMAN. Just one moment. The request was made, I believe, on the 25th. I do not know and I am not prepared to say, but I would like to inquire whether you are undertaking to comply with the request and if you are getting up the material that Senator Curtis has requested.

Mr. REUTHER. Mr. Chairman, I will tell you precisely what happened. We were given notice—actually we had 24 notices before I came down here—it was the very day we started GM negotiations. But I asked my staff before I left the office very hurriedly to meet

with the GM committee, preparatory to meeting with the General Motors Corp.—I got this message over the phone.

Based upon that we have submitted, as Senator Curtis has indicated, a list of all of the international representatives with their mailing address. We supplied the copy of what he asked for which was the commission of authority, the credential. We supplied the employment record. The constitution has already been put in the record.

We assumed he had that. But certainly we will give that to you.

The other things, I asked my lawyers, I asked my staff to go to work and try to find out how this could be pooled together and how quickly. Much of this is information we don't have.

For example, we can only employ a person who goes to work first in a factory. In other words, a General Motors worker on our staff who is a GM worker has to be first employed by General Motors and go to work in the factory.

There is some of this material that we don't have possession of. I have my staff looking for it.

I left at the end of that day to come down here. I have been down here since. It seems to me that you can't ask an organization in a short period of time to provide material.

You take this question of aliases. The only aliases I know is Bob Burkhart and I didn't know that until this hearing was held.

When we hire an international representative, first of all the constitution requires he must have worked in a factory, and secondly, he has to be a member of our union for a year, and in 99 cases out of 100 he is a local union officer and so forth. When we put him on our pay roll, we don't say, "Tell us your aliases." We don't treat them this way.

I don't know how to go find out about aliases. It seems to me this is a kind of request I have never had before, so we are checking. Outside of Bob Burkhart's aliases, which I learned as a result of this committee, our application doesn't have a line here, your name and then you aliases. We are looking into this thing.

I am perfectly willing, Mr. Chairman, when I get back to the office next week, if I get there, to be in touch with you to tell you what we might do about it. We try to be cooperative.

I ask any reasonable person, if you ask Mr. Curtice, president of General Motors Corp. how many employees in General Motors have aliases and what they are, he would have a devil of a time providing that information and yet they go into greater detail because they hire people off the street.

We hired people who are in our organization and coming up in its leadership. We are willing to go back.

The CHAIRMAN. I am trying to determine what is lacking. The aliases is one. What else is lacking on the request?

Mr. REUTHER. The labor disputes. That will take some checking because international representatives assignments are changed. We have to go back and can't do that overnight. Then there is the arrests. The question as I understand, concerns any misdemeanor or felony in a fellow's life.

If you think you can get that by pressing a button, I think you are wrong. This is a difficult assignment.

We are willing to go back and check to see what we can do about it because we are not trying to hide anything.

To the best of my knowledge, there has been only one felony committed by an international rep since I have been president. It is not that we are trying to hide anything. We don't hire people coming out of penitentiaries like some unions.

When you say to me, "How many fellows have aliases?" some guy may hit me if I ask him that question. This is not an easy assignment.

Senator CURTIS. Mr. Chairman, I would like to point out that in reference—

The CHAIRMAN. Let the Chair request the witness to provide the requested information as early as he can and as complete as he can conveniently. I can appreciate you will have some difficulty tracing down all the aliases, but as far as you have no record or information, supply it at your earliest convenience.

Mr. REUTHER. I shall be glad, Mr. Chairman, to cooperate with your request as best I can.

Senator CURTIS. Mr. Chairman, it might be helpful if I call attention to the fact that in reference to the request I said all the information which the UAW-CIO has.

I didn't ask him to go outside and search for that, because they do conduct the defenses for these people.

I also want to point out that the people that I am asking this information for are those who carry around the credentials as international representatives. They are representative of the international union. They are appointed by the president and the executive council.

Reuther is the president, he is the chairman of the executive council. I have made no such request about all of their members, but the people who represent them.

I am willing, and this may help you, Mr. Reuther, to modify my request concerning the aliases, to that list of individuals involved in the arrests, because my request for the number that have been arrested is those that the UAW has knowledge of which would boil down primarily to those that you furnished the defense for.

The CHAIRMAN. Senator, over what period of time do you want to go back?

As I understand you, you want the names of those who have been arrested.

Senator CURTIS. All I want is the information concerning arrests that the UAW has now.

The CHAIRMAN. For what period of time? Five years back, ten—

Senator CURTIS. Since Mr. Reuther has headed it.

The CHAIRMAN. I beg your pardon?

Senator CURTIS. Since Mr. Reuther has been president.

The CHAIRMAN. All right.

Mr. REUTHER. As I said we will do our very best to cooperate. I would like to ask this: Has this information been requested of other unions that have been before this committee?

It wouldn't change our attitude. I ask that as a matter of information.

The CHAIRMAN. As far as I know, it has not. I do not recall. There have been instances, of course, when heads of other unions have been closely interrogated about different individuals.

Mr. REUTHER. In other words, some of the unions in which there was ample evidence that they hired people as they came out of the penitentiaries, they have not been asked for this?



We shall cooperate to do our best to provide it.

The CHAIRMAN. I wouldn't say that they haven't been asked for any of it, at least, because they have been asked questions.

Mr. REUTHER. I mean this specific information.

The CHAIRMAN. I do not recall a broad overall request such as this having been made.

Mr. REUTHER. I only ask it for information. Thank you.

The CHAIRMAN. All right, proceed.

Senator CURTIS. I have two requests that I would like to make at this time. They, of course, cannot be complied with while this hearing is going on. If you will give them appropriate attention after your pressing bargaining sessions are over, it will be all right.

Mr. Reuther, will you furnish this committee the following information:

One, identification of all strikes involving the UAW-CIO since you have been its president, including dates when strikes actually began and dates of termination; second, in each strike indicate whether the company did or did not attempt to continue operation during the strike.

I use the term operation to mean a continued output of products by the plan as distinguished from maintenance or standby work of a custodial nature.

Mr. REUTHER. I shall be happy to provide you with that at the earliest date.

Senator CURTIS. I will provide you a copy of that so you won't have to carry around the whole thing.

Mr. Reuther, in a statement prepared by you and sent to my office a few weeks ago, you stated:

No UAW officer has conflicting investments in any firm with which our union bargains collectively or purchases materials, supplies or services.

No officer of our union has ever received a kickback or a bribe from anyone.

No officer of the UAW has grown rich at the expense of the union or the membership.

No officer of the UAW has charged his personal or private purchases or gifts or entertainment to the union treasury.

No officer of the UAW has ever received or accepted expensive or lavish gifts from the international union, its locals, or any management source.

In a word, Mr. Reuther, you are saying, am I correct, that no present officer of your union has ever been in the position as a union officer of purchasing goods or services from an organization in which he had a financial interest; is that correct?

Mr. REUTHER. I am not saying that. I am saying that to the best of our knowledge there is not an officer of this union who is corrupt and who stands in violation of the ethical practices code of the AFL-CIO.

That is what I am saying.

Senator CURTIS. Then you do not say that no present officer of your union has ever been in a position as a union officer of purchasing goods or services from an organization in which he has a financial interest?

Mr. REUTHER. No, I didn't say, because I know what you are referring to.

Senator CURTIS. You would say, then, that some of your present officers have been in that position?

Mr. REUTHER. Why don't we get it out on top of the table and quit shadow boxing?

Senator CURTIS. No.

Mr. REUTHER. I know you are talking about a vice president of our union. Senator Goldwater talked about him in this telecast, and I think it was very unfair because the facts will show very clearly that the vice president you are referring to, and as was pointed out here—you just get the facts and you will find when you talk about a land deal and the person involved along with some other people were supposed to purchase some property on a lake front.

They did. They were supposed to have made a big killing by selling it to the local union. The facts on that are these, that what happened was that a group of private individuals, including a person who was a vice president of our union, bought some lake property on a lake in Michigan not too far from Toledo at a time when the level of the water at that lake was receding rapidly and the land values were declining rapidly.

They bought the land at a very low price. Later on the Army Engineers changed the flow of water in that area and the lake regained its normal level.

I think this was in 1948 or somewhere about that time. At that time the land which was depreciating in value because of the level of the water dropping rapidly, getting to be a big mud hole and not a lake, at the point the water came back to its normal level, the property obviously increased in value and became then an attractive site for a summer camp for children.

Local 12 was interested in purchasing this piece of property for a summer camp for underprivileged children which they operate.

At the point this transaction was to be made in which a person in our union, in official capacity, owning in part with other private citizens a piece of land which the local union wished to buy, the international union had made in that situation two independent appraisals of the value of that land by two independent realtors, and they set the value of the land, the property, one, I think, at \$34,000 and one at \$33,000, and the property was sold to the local union at \$20,000, at \$13,000 less than the appraisal by the lowest estimate. That is one part of the story.

The other part of the story, which proves conclusively that the person involved did not make a profit at the expense of the local by using his official position but rather sacrificed by selling the land along with the other people with whom he held it jointly, at a very low figure, \$13,000 to be exact below the estimated value, the other case is the hardware store.

Senator CURTIS. Before we leave that case, I do not want to throw suspicion on the wrong person, so we might as well say we are talking about Mr. Richard Gosser your senior vice president.

Is he the senior vice president?

Mr. REUTHER. At the time this took place he was not a vice president. That does not change it. Whether the thing is right or wrong does not matter whether he was an officer.

Senator CURTIS. I am not seeking to show, Mr. Reuther, to what extent, if at all, there was an unjust enrichment. Our only reason for investigations for legislative purposes, in common parlance, in

dealing with other people's money, is that you can't wear two hats at once.

A fiduciary cannot do business with himself. A guardian of someone else's funds cannot transact business with himself. It is not regarded as ethical. So I am inquiring at this time not into the question of whether a profit was shown, but whether or not the practice was followed.

Mr. REUTHER. But the point you asked me is whether there was corruption and if Mr. Gosser as a private citizen——

Senator CURTIS. No, I didn't ask you that.

Mr. REUTHER. Owning a piece of land——

Senator CURTIS. I don't think I used the word "corruption."

Mr. REUTHER. This is how the subject matter was raised, I understand.

Senator CURTIS. No. I was talking about corruption in the law enforcement matter.

Mr. REUTHER. Oh, maybe I am wrong, but the reason I say that is because Senator Goldwater raised the question of corruption on the television program.

Mr. Gosser was accused of being corrupt. In exact words, or precisely that is the same thing he said. But what Mr. Gosser did, as I am informed from the evidence that we have, is precisely the same thing that Mr. Hoffa and Mr. Beck did.

This was not a judicial examination of facts. This was a charge made on a national television network.

Senator CURTIS. All right. There is a great injustice to a man who has not done anything wrong.

(Members of the select committee present at this point were Senators McClellan, McNamara, Mundt, Curtis, and Goldwater.)

Sentaor CURTIS. Mr. Reuther, I am asking you all about what you said here. I want to get this straight. What was the name of the concern that sold this lake property? What that the Willowland Sportsmens Club?

Mr. REUTHER. It could be. I am not sure about the exact titles.

Senator CURTIS. And Mr. Gosser was head of that?

Mr. REUTHER. Mr. Gosser, along with a group of people that had this sportsmens club and they purchased the land as a part of that effort.

Senator CURTIS. And he was the head of that and he did sell it to the union of which he was an officer, is that right?

Mr. REUTHER. That is correct.

Senator CURTIS. Did Mr. Gosser have an interest in the Colonial Hardware Store?

Mr. REUTHER. He did. That is what I was trying to talk about.

Senator CURTIS. Was he also the head at one time of the Automotive Workers Building Corporation in Toledo?

Mr. REUTHER. He was, because at one time he was president of the local, and at that time he was the president of the local he automatically became the president of the Local 12 Building Corporation.

Senator CURTIS. Was a principal source of income for this corporation union dues of the UAW members in the Toledo area? By corporation, I mean the Building Corporation.

Mr. REUTHER. Well, we have an arrangement which is, I think, quite common in organizations like trade unions. When they hold prop-

erty, they create a building corporation for the purpose of holding the property and the membership of the local are also the members of the building corporation. So the moneys that the building corporation used to buy property was money from the membership of local union 12.

It is the same thing. It is just a legal way of holding the property.

Senator CURTIS. So Mr. Gosser was an officer in the organization that sold, and he was also an officer in the organization that purchased, so far as the lake property is concerned, is that correct?

Mr. REUTHER. Mr. Gosser in the one group, if you use the Willowland—what was it?

Senator CURTIS. Sportsmen Club.

Mr. REUTHER. Willowland Sportsmen Club, that was a private organization of which he was a member as a private citizen. It is true that he was an officer of the local and the head of the Building Corporation that bought the property, that is correct.

Senator CURTIS. Then he was a part owner in the Colonial Hardware Store?

Mr. REUTHER. It is my understanding that he held an interest in the Colonial Hardware Store.

Senator CURTIS. Did the Colonial Hardware Store sell supplies to the Building Corporation?

Mr. REUTHER. It is my understanding that the local union did purchase certain supplies from the Colonial Hardware Store. It is my understanding, also, that it was always done on a competitive basis.

I do positively know that the sacrifice of this land, because I checked it very carefully before I came down here, was in the figure of \$13,000, which, measured against the total value, was percentage-wise very high.

It was sold for \$20,000 and the low estimate was for \$33,000.

Senator CURTIS. Sold below the estimate but more than what he purchased it for?

Mr. REUTHER. I think he got essentially out of it what was represented by the changes in the dollar value because of the inflationary movement. The land, of course, improved in value because the lake became an attractive place again, rather than a mudhole because of the work of the Army Engineers.

Senator CURTIS. Did the Colonial Hardware Store sell supplies to some farms that the union owns?

Mr. REUTHER. Well, local 12, as a parts of this, and I think if you went up there and saw what they are doing you would feel pretty good about it.

They provide opportunities for underprivileged children from Toledo to go up there for free and they felt that as one of the ways of trying to make it possible for more underprivileged children to have this opportunity they thought they could reduce the cost of operating the camp by raising some of their own food.

So they have a couple of adjoining farms to the camp property where they raise food, meats, and other things and dairy products for use in the camp.

Senator CURTIS. It is true that there were a considerable number of slot machines in various union headquarters in the Toledo area in the late 1940's?

MR. REUTHER. Not to my knowledge. This is one thing—while I am not supposed to be the custodian of the morals of the people who make up the membership of our union, I disapprove most heartily of slot machines in any union hall.

Whether people have them in Nevada is their business in the gambling places, but I don't think the union hall is a proper place for a slot machine or anything of that type.

I do not know personally whether there were, but I was told by an officer of this union that they did not have slot machines there. If they had, it was wrong and I certainly would have been opposed to it.

SENATOR CURTIS. You would not know, then, whether it is true that 50 percent of the proceeds of these slot machines went into the union treasury?

MR. REUTHER. I beg your pardon?

SENATOR CURTIS. You do not know, then whether 50 percent of the proceeds of slot machines, if they existed, went into the treasury, the union treasury?

MR. REUTHER. I know nothing about slot machines and I just do not think they were there because the attitude of our union on this matter has been clear for a number of years. We do not approve of it and, after all, in a voluntary organization, a democratic union, fellows do a lot of things on their own, but if a local union put slot machines in, I think we would do everything we could within the framework of a democratic union and constitution to get them out of those buildings.

I think it is the wrong place for slot machines. If a fellow wants to go to a dive down the street, that is his business and throw his money away, that is his business, but the union hall is not the place to do it.

SENATOR CURTIS. Mr Mazey's report on the investigation said that there were slot machines.

MR. REUTHER. Well, as I say, I had no knowledge of it and I am opposed to it. Does he indicate what happened to the slot machines?

SENATOR CURTIS. What is that?

MR. REUTHER. Does he indicate that they were removed at that point?

SENATOR CURTIS. No.

MR. REUTHER. Well, I will bet you if they were there, that is what happened. Mr. Mazey got them out of there.

SENATOR CURTIS. I say no. I did not so read it. Maybe I am wrong.

Then you do not know whether Mr. Gosser got 50 percent or 80 percent of the slot machines, do you, the proceeds?

MR. REUTHER. Senator Goldwater, I would stake my life—

SENATOR CURTIS. Thank you again.

MR. REUTHER. On the fact that Mr. Gosser has never taken a penny that did not belong to him and I do not think he would have taken a penny from a slot machine if there were any there.

SENATOR CURTIS, you have read a lot of editorials. I would like to read a short one here about Mr. Gosser, because I think it is unfair to an American citizen whose name is raised, whose name is pushed all over the headlines here, in a public television show when the man is completely innocent.

This man has not taken money that belongs to the local union. This man has not. The Colonial Hardware he did not do anything wrong there, but we said, "Look, we think it is wrong for you to even own a hardware store," and he got rid of his share of it.

But when Senator Goldwater says, "But what Mr. Gosser did, as I am informed from the evidence that we have, is precisely the same thing that Mr. Hoffa and Mr. Beck did," that is not a little private conversation at a cocktail party. This is on a national network.

I think it is no more than simple decency to let me read an editorial from Mr. Gosser's own hometown newspaper, as you put it yesterday.

Senator CURTIS. Before you do it, and I will let you do it, I want to remind you and correct the record that most—I think all but one, maybe all but one or two; whatever the situation is, it will have to be—of the newspaper accounts I referred to were the news items. I made no allegation of Mr. Gosser making a profit.

But when I saw this statement in your statement that you handed out that:

No officer has conflicting investments in any firm with which our union bargains collectively or purchases materials or supplies from—

I felt compelled to ask you if that meant that no present officers of your union had ever been in such a position.

Mr. REUTHER. I said, "has" which is the present tense and what you are talking about occurred back in 1948 when Mr. Gosser had a part interest in a hardware store. He sold that hardware store.

I maintain there is a difference of night and day between what Mr. Gosser did on this land arrangement where he sold it for \$13,000 less than what it could have brought on the market place to his local union, and what he did in the hardware store.

Even there when we felt he should not do it, he sold his interest in the hardware store. I maintained there is a tremendous difference between what Mr. Beck did and what Mr. Hoffa did, in the Test Fleet deal and these other things.

When Mr. Goldwater says, "It is precisely the same thing as Mr. Hoffa and Mr. Beck," I do not think that is fair. I do not care which side of the table you are on politically or in terms of management or labor, the one thing we ought to try to do is respect the privacy of individuals and not try to smear them in the public prints or in the radio and television when they are innocent.

Senator CURTIS. Mr. Reuther, I think what can be pointed out, and I believe that is what the Senator from Arizona was attempting to do, that a similar pattern of conduct was being followed or had been followed, that someone who was the custodian of other people's funds causes those funds to be spent in a concern in which he has an interest.

The individual who does not make a profit is not as great an offender, but certainly the practice is not ethical, and certainly it is something for this committee to consider for legislative purposes as to whether or not we prohibit individuals handling union affairs to transact business with themselves.

I do not want to deprive you of this paper you have. May I ask how long it is?

Mr. REUTHER. It is very short.

Senator CURTIS. What is the date of the paper?

Mr. REUTHER. This is the Toledo Blade.

Senator CURTIS. What date?

Mr. REUTHER. March 26, 1958. It is quite recent.

Senator CURTIS. 1958?

Mr. REUTHER. That is correct.

Senator CURTIS. All right.

Mr. REUTHER. Thank you. The editorial to which I refer in the Toledo Blade of Wednesday, March 26, 1958, reads as follows, and has a heading, "Raking Over the Coals."

On several occasions during the Senate Rackets Committee's investigation of UAW activities, reference has been made to labor battles in Toledo back 8 years or so ago, and Senator Barry Goldwater, a member of the committee, has said that it should dig into those charges and countercharges which then revolved around Richard Gosser, now a UAW vice president.

Well, a lot of investigating was done during those hectic days, a great many depositions were taken, several suits were filed and every effort was made to throw light on local UAW operations.

On the whole, we thought it was salutary because, as a result, changes were made in the union's procedures which gave its members a fuller information about its finances and potentially, at least, greater control over them.

But what good would it do to rake over those old coals at this time is more than we can see. Even if questionable union practices were corrected, nothing criminal was uncovered and it seems that to us that the McClellan Committee would be wasting time if it should attempt to go over all that business again.

This is the reason I read this: Here is a situation where a union that is trying to do the decent, clean, and honorable thing has called to its attention a situation. There were a lot of local politics involved. You must always remember that in unions there are just as much politics as there are in any other organization.

They got into a local fight down there with differences between local officers and Mr. Gosser was on one side and other people on the other. Every effort was made to smear Mr. Gosser in that situation because there was a political fight going on.

When this was raised about Mr. Gosser owning this land, along with some other people, this lake property, and we heard the local was interested in buying it, we took steps to see to it that it was handled properly, and the local got a good arrangement.

I say, Senator Curtis, that saying that it does not matter whether Mr. Beck made a big profit of a half a million dollars, or whether Mr. Gosser sold it for \$13,000, it is the procedure and the principles that are the same, well, I don't agree with that because in Mr. Gosser's case, he did not make a profit. The local union made a profit.

On the Colonial Hardware, it is not really a great criminal offense for an officer of a union to hold an interest in a hardware store selling to some organization with which he is associated if they sell it to them at a price that is competitive, although I do not think he ought to do it.

Based upon this, we sat down with Mr. Gosser and we said, "Look, Dick, we don't think you are doing anything wrong, but we don't think this is the sort of thing that an officer of the UAW ought to be involved in. Why don't you sell your interest in the hardware store and get out of it?"

That is what he did. To equate that publicity with Mr. Hoffa and Mr. Beck is just not cricket, in my opinion.

Senator CURTIS. As I say, this was provoked by your testimony—

Mr. REUTHER. I apologize to Mr. Gosser for provoking this.

Senator CURTIS. Which related to the present officers of the union. I might say that these charges were published in the Toledo Union Journal of June 6, 1950, and were signed by several local union members that caused rise to these things.

I did not get to ask you whether you had any knowledge—Mr. Mazey said there were no machines there—whether any of the proceeds of the slot machines went to Mr. Gosser.

Mr. REUTHER. I said earlier that, first, I did not know there were any slot machines, and I am sure there are none now, if there ever were any, and I am also positive that Mr. Gosser never got a penny out of any slot machine if there were any.

I happen to know Dick Gosser and I know he has made a great contribution to this union. He has made a great contribution to the city of Toledo. He is a decent, honorable citizen and I know he would not take a dishonorable penny from anyone or any source.

Senator CURTIS. But you would agree that the practice of someone buying and selling to themselves with other people's money is not a good practice, not ethical, would you not?

Mr. REUTHER. That is precisely why we asked Mr. Gosser to sell his interest in the hardware store.

Senator CURTIS. This reference to the slot machines in the Toledo Union Journal, of June 16, 1950, carried an allegation by members of your union that in a typical month the gross take from the slot machines owned and operated by Local 12 exceeded \$2,200.

These union members in the union paper dated June 16, 1950, alleged the amount turned into the local was approximately \$1,100. The difference was turned over to Brother Gosser's office.

We have gone back quite a ways in investigating unions. We went back to 1929 in reference to the operating engineers and we went back almost that far in some others.

Certainly, to go back to the date of the last major labor legislation to gather information for legislative purposes is not objectionable. I would not think so. Since that time, Mr. Gosser has been promoted to vice president, is that correct?

Mr. REUTHER. Yes; Mr. Gosser was elected vice president since the date of the incidents that you are talking about.

Senator CURTIS, I would like to just say that you were reading from a paper there, but that is only an allegation.

Senator CURTIS. I understand.

Mr. REUTHER. There was a trial held and that was disproven. That was never substantiated. I would like to know whether your committee has evidence. Senator Goldwater says that the evidence before your committee puts Mr. Gosser in the category of Mr. Beck and Mr. Hoffa. That is what he said—"evidence."

Now, if you have such evidence, I would like to have it, because I am an officer of this union and if you can prove the things that are said here, if you can prove that you have evidence that puts Mr. Gosser in Mr. Hoffa's and Mr. Beck's class, then I can assure you that we have machinery to deal with it.

But I dispute your evidence. I do not think you have that. This is what bothers me, that people go on the television networks and say these things when they do not have the facts to back them up. I do not think that is fair.

I think it violates the whole concept of due process and fair play and all the other things we associate with standards of human decency and democratic procedure.

(Members of the committee present: Senators McClellan, McNamara, Mundt, Curtis, and Goldwater.)



The CHAIRMAN. The chairman would make this observation. If we have such evidence it is not within the knowledge of the Chair. I am not saying that someone else does not have the evidence. I do not.

We sent representatives up there to make an investigation of this, two representatives of the committee. According to their report to me these charges were not substantiated.

Mr. REUTHER. That is what I understand.

The CHAIRMAN. Senator Goldwater may have proof, but I know nothing about it.

Mr. REUTHER. It seems to me if a member of the committee, Senator McClellan, had evidence to prove a charge this serious he ought to give it to you before he gives it to the American people on the network.

Mr. Bellino was in our office for many weeks. We cooperated with him both with respect to the union's finances and records and both with respect to my personal financial records. I think our union is entitled to have him report to the American people.

I think it is unfair to close these hearings today, if they are going to be closed today, without the man who was sent up there. He testified about collecting the company's records. I would like, Mr. Chairman, to ask very sincerely that he be given that opportunity.

The CHAIRMAN. The Chair announced that we will call Mr. Bellino to the stand before we close. We have been interrogating you here and I have hardly found an opening or opportunity.

Mr. REUTHER. You have been more than patient, Mr. Chairman.

Senator CURTIS. In reference to the chairman's statement about the two representatives going to Toledo, it is my understanding that they found that the records of the Colonial Hardware Store no longer existed.

Is that correct?

The CHAIRMAN. Where are the investigators?

Mr. KENNEDY. They are not here. I believe they went out there to look into the allegations and to look at the information that had been turned over to the staff by members of the committee. They went out there to make an investigation based on those allegations and found no evidence to sustain the allegations other than the two points that have been made here today.

One, that Mr. Grosser had an interest in a hardware store which sold goods to the union, and second, that he had an interest in a piece of land which was bought by the union. Other than that, as far as him asking any profit or doing anything criminally wrong or improper, we found nothing other than the two matters I have mentioned.

Senator CURTIS. What I want to know is the report that I received correct that the Colonial Hardware records were not available?

Mr. KENNEDY. Senator, there were allegations made regarding Mr. Grosser. We found no evidence to sustain those allegations. We found that some of the allegations or a good number of the allegations against Mr. Grosser were made by an individual who was out of his mind, and at the time that the allegations were made even those who made them now say they were improperly stated at that time.

So we found that there was nothing to it.

Senator CURTIS. Mr. Reporter will you read the question?

(The pending question was read by the reporter.)

Mr. KENNEDY. At least as far as the report, whether the records of the Colonial Hardware being available, Senator, I am not certain. As far as whatever they were able to examine, which I found was the important thing, they found nothing to sustain the allegations against Mr. Grosser.

Senator CURTIS. The Colonial Hardware records—

Mr. KENNEDY. If they talked to you afterward and if they made that statement to you that the records of the Colonial Hardware were not available, I am sure that is an accurate report. I think these dealings all took place some 10 years ago anyway.

Senator CURTIS. The late forties—1949, I think. I think a fair report of what the investigators reported was that they found no evidence. I don't think it could be said that they found evidence that the charges were not true or that they were true.

Mr. KENNEDY. Just that they found no evidence to sustain the allegations, which is what I said.

Senator CURTIS. It is my understanding that they did not get the records of the Colonial Hardware Store and also that they did not get any records or information concerning the slot machines.

Senator MUNDT. If the Senator will yield, you originally asked this question of Mr. Renthner. I wonder whether he knows whether the records in dispute at the Colonial Hardware Store are available or can you use your good offices to make them available and we will get down to the facts.

Mr. REUTHIER. Senator Mundt, one of my jobs as president of this union is not to keep records of hardware stores.

Senator MUNDT. I understand. But this involves your senior vice president.

Mr. REUTHIER. I have confidence in the competency of the staff of your committee. I don't know anything about records. I do happen to know that Mr. Grosser is not guilty of the things that have been alleged against him.

I know that to be a fact. That is why I feel really kind of sad that a person would go on the television show and say that Mr. Grosser—"That I am informed from evidence that we have"—this is not what he hears or some rumor. Senator Goldwater says, "But what Mr. Grosser did I am informed from evidence that we have is precisely the same thing that Mr. Hoffa and Mr. Beck did."

You say that they didn't find any evidence to disprove it, but Mr. Goldwater says, "from evidence that we have." Is Mr. Goldwater keeping that private? Hasn't he given it to the staff? This is a reasonable question.

Senator CURTIS. No; I am basing my inquiry on the record here and what you said.

Mr. REUTHIER. He said what you have—

Senator CURTIS. I am basing my inquiry on what you said. There was a statement there that left doubt in my mind whether you were claiming that you had no one in office who had done these things. I have mentioned here a time or two it is not my purpose to allege on this record that I have information of gain. Neither do I have information that there wasn't any gain.

I have directed my question at the dual capacity of someone handling other people's money.

If I may go on to another matter, it has been testified here by Mr. Donald Rand, an international representative, that he made payments into a union fund with more or less frequency, about \$10 a week. I asked him when he was testifying if that would amount to about \$500 a year because he said it was not absolutely regular on a weekly basis and he said that it would.

Mr. Chairman, I have spoken to Mr. Bellino about this and I wonder if Mr. Bellino could be sworn and answer just a question or two?

The CHAIRMAN. Mr. Bellino come around, please, sir.

You have been previously sworn, have you?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. You will remain under the same oath. Proceed.

Senator CURTIS. Mr. Bellino, Mr. Reuther stated on Thursday of this week, page 4189, and I quote :

I met on a number of occasions with Mr. Bellino. I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union.

My question is, Did you have any records turned over to you relating to these payments made by Mr. Rand?

Mr. BELLINO. I don't quite follow you, Senator.

Senator CURTIS. Mr. Rand testified that he paid about \$10 a week into a fund of some kind—flower fund—he stated that it was regular as to time and I asked him if it amounted to about \$500 a year and said, "Yes."

In the records turned over to you, did you have any records that would reveal to you Mr. Donald Rand's transaction or contribution or any similar ones?

Mr. BELLINO. Senator, the records which were turned over to me were only those that I specifically requested. I did not, when in Detroit, specifically request any flower funds in which Mr. Rand may have contributed.

Therefore, I did not get any such records.

The CHAIRMAN. Let me ask a question to clear this up. Is the flower fund a voluntary contribution program?

Mr. BELLINO. As I understand, it is, sir.

The CHAIRMAN. That does not come out of the dues?

Mr. BELLINO. It does not come out of the dues.

The CHAIRMAN. Let me ask the witness——

Mr. REUTHER. I would like to explain that, Mr. Chairman.

The CHAIRMAN. Just 2 or 3 questions to get this in the prospective. What is the flower fund? Is that an assessment or a voluntary payment?

Mr. REUTHER. The flower fund is a purely internal political fund contributed voluntarily by members of our union at different levels of our union for the purpose of financing the political fights in the union. This is how we finance the fight against the Communists. This is how we finance the fight to keep the racketeers from taking over our local union. We do not think it proper to finance internal political problems out of union dues and we have a separate fund.

The CHAIRMAN. That is like making campaign contributions?

Mr. REUTHER. It is like a campaign fund.

The CHAIRMAN. But it is for political purposes in the unions?

Mr. REUTHER. Exactly. We did ourselves. The Communists had their caucuses. We financed ourselves by contributions. I don't know where they get their money but I know where we got ours, voluntary contributions.

The CHAIRMAN. Do you keep records of this fund?

Mr. REUTHER. What happens is that there are many of these funds at different levels of our local union. At the international level there will be several and there will be a committee, the fellows who collect the money and who keep the records and the books and so forth. We told Mr. Bellino, he will tell you, I talked about this, and I said this has nothing to do with the union funds but if you want to look at it we will show you the record. We don't have anything to hide.

The question is suppose we have a meeting, we have a steering committee of 300 people that we call our national steering committee. We met every 3 months. This is a political group in our union.

Our opposition is very small but they still have the right and they get the floor at our convention with equal time, but we get together and we talk about our politics. As the Republicans do with theirs and the Democrats with theirs. We could spend union money for this and nobody would be the wiser.

The CHAIRMAN. Some unions do but your union does not?

Mr. REUTHER. That is right. We don't. We don't think it is proper to spend union money for political matters relating to electing me or somebody else. We raise our own money. We have at the convention placards we have literature that we put out.

We have a victory party when we get elected. We pay for all this out of voluntary funds that we collect. We call them flower funds. I don't know who dreamed that title up. It came way back. But when we had this terrific fight in our union, Senator McClellan, between our group and the Communist and we finally kicked them out—I was elected in 1946 but the Communists controlled the board.

I went through 18 months of hell fighting these fellows. In 1947 we finally cleaned it out. At the 1947 convention in Milwaukee we didn't have a national caucus. We said we have the Commies kicked out we don't need it. The rank and file revolted. We reestablished in our union this political caucus structure and this is the way we finance it.

It is that simple.

The CHAIRMAN. May I ask, does any Senator on the committee want those funds investigated?

Senator CURTIS. May I ask a question or two about them first?

The CHAIRMAN. Yes, sir.

Senator CURTIS. Is the purpose of those funds to bring about the reelection of the officers that are in the union at the time they are collecting?

Mr. REUTHER. We have a very elaborate structure because this is how we keep our union free, clean, and democratic. This is one of the big problems in our kind of groups, how do you maintain so the rank and file can make these decisions and you don't get a machine in power.

We have in local unions a caucus. From those local unions we have a regional caucus. From the regional caucus we have the national caucus. Then we have a steering committee at each level. What we do is to get together periodically and we talk about our relationship to

one another as a political group in the union. We decide who we are going to run.

We have them go through the procedure of nominating people. The caucus commits itself just like a political party in convention commits itself behind its candidates and the opposition has a caucus and they have candidates.

Our caucus is behind our candidates and the opposition caucus is behind theirs. The moneys we are talking about help finance that whole effort at different levels. We bring in the national steering—

Senator CURTIS. Including the opposition caucus candidates?

Mr. REUTHER. No. They have their own funds. Just like the Democrats have a campaign fund and the Republicans have a campaign fund.

Senator CURTIS. This money raised by the flower fund which this international representative contributed no small amount, \$500 a year?

Mr. REUTHER. He contributed \$5 a week. He said \$10 a pay period what he meant. I asked Mr. Rand.

Senator CURTIS. I asked him. It is in the record here somewhere.

Mr. REUTHER. He is right here.

Senator CURTIS. I asked him if it was \$500 a year and he said it was. That is his testimony.

Mr. REUTHER. There is a misunderstanding. He says he has been giving roughly \$10 a pay period which is \$5 a week. The thing you must understand, Senator Curtis, is that when we fight the Communists, Communists have spent hundred and hundreds of thousands of dollars trying to keep control of this union. Stakes are high. Because it was our union that tipped the balance in the CIO. We could not clean the Communists out of the CIO until we first cleaned them out of the Auto Workers. That tipped the balance. The Communists spent hundreds of thousands of dollars. They had in the campaign when we were going down the homestretch in the final battles, a weekly newspaper, put out nationwide, hundreds and hundreds of thousands of copies.

They had a magazine called the Bosses' Boy, dedicated to me. You talk about going through the mill, you should have seen what they did to me. They ran full page ads in dozens and dozens. Here are some of the cartoons. You think I am over on the Wall Street side. Here is Reuther sitting on the lap of General Motors, Allis Chalmers, the NAM. Here is Reuther coming out of the NAM headquarters saying, "bring home the bacon," in the satchel, "speed up."

In the Daily Worker the Communist Party ran full page ads in the public press all over America. They spent hundreds of thousands of dollars. The only way we could meet that challenge was for people in the union to dig in their own pockets and raise these funds we are talking about. That is how we did it.

Senator CURTIS. The question is, then, is this money raised called the flower fund used to reelect the slate maybe not all the individuals, of the incumbent officers?

Mr. REUTHER. It is used to elect the officers that the caucus decides to support.

Senator CURTIS. If there is an opposition slate they do not get any part of this flower fund?

Mr. REUTHER. The opposition has their own caucus and own flower fund.

Senator CURTIS. This list of international representatives runs something over 700. I have no way of knowing whether Mr. Rand's contributions were average, below average, or above average. If they were average it would be something over \$350,000 a year from this group. You say there are a number of separate funds. I want to ask you this. Are there books and records of this fund? I am trying to answer the chairman's question.

Mr. REUTHER. Senator Curtis, first of all there is not one fund. At the regional level they have funds. There are many funds. The figure is nothing like you think it is. We are perfectly willing to have Mr. Bellino look at it. We have nothing to hide.

We think this is the right way to do it. And not spend union money.

Senator CURTIS. What I want to know is, do you have books and records of all the receipts and all the expenditures together with what the expenditures are for and where the receipts came from for those flower funds operated by the international union?

Mr. REUTHER. There are no flower funds operated by the international union. The only funds in this category are private funds contributed to voluntarily by private citizens who politically work together in our union. The international union has nothing to do with them any more than the United States Government has to do with your private campaign funds.

(At this point, the following members were present: Senators McClellan, McNamara, Mundt, Curtis, Goldwater.)

Senator CURTIS. Well, now, what I am trying to find out—the chairman has asked whether or not we make an investigation of these funds, and before I answer that, I want to know if there are records that show all of the receipts and all of the expenditures and what they are used for.

Mr. REUTHER. I have stated——

Senator CURTIS. I have no desire to suggest to this committee that they investigate something that doesn't exist if there are no records, if there are no complete records, and of course, a record that is not complete is not a record.

Mr. REUTHER. Senator Curtis, we told Mr. Bellino, I personally told Mr. Bellino, and he can verify it, when he was there, these were not union funds. He came in to investigate union funds and my personal finances. In those two areas we gave him every record that he asked for that we could humanly provide.

We talked about this—I think it was one Saturday morning in the office, and I told him that I had never seen the records myself because I had never handled a penny of this money, but the flower funds did exist, why we have them.

We have situations where a group of the numbers rackets tries to capture a local and we have to help the local guys out. They can't get enough money out of their own pockets to fight the finances of the underworld where there are millions of dollars involved. So we help them out.

The records—one fellow will have the books of the fund that he handles, and they will show that we spent so much money in the convention for a social gathering after our slate was elected. It will show the receipts for that. We have the records, I am sure. And we don't mind Mr. Bellino going over them. But what we think is

being done here, all the talk about these things is just to try to create in the public mind that there are these big funds around here and maybe somebody is getting fat on them.

Senator CURTIS. Where are the records?

Mr. REUTHER. Well, they are in the hands of private individuals who make up the committees that handle the various group funds.

Senator CURTIS. Are there any such records in your headquarters, Solidarity House?

Mr. REUTHER. No, there aren't. It has nothing to do with the union.

Senator CURTIS. I didn't ask that. I asked if the records were there.

Mr. REUTHER. The records are not there. This is a private political fund for internal purposes in the union to keep our union clean from communism and corruption and to work together as a group to do that.

Senator CURTIS. I still don't know whether you have records of these funds showing all the receipts and all the expenditures.

Mr. REUTHER. I told you twice already that there are such records in the hands of private individuals but not in the union headquarters because they are not union records. I told Mr. Bellino we would get them for him if he wanted them.

Senator CURTIS. Do they show all of the receipts and all of the disbursements, and, if so, how far back?

Mr. REUTHER. Well, first of all, I have never seen any of these records, but the records are in the hands of the private groups who have them, and I am sure that the records will show that the money was used for the purposes that we have indicated.

Senator CURTIS. Mr. Rand testified that he made his contributions in cash.

Mr. REUTHER. That is how I make mine.

Senator CURTIS. Where do you make yours?

Mr. REUTHER. I make my contributions to a member of my staff who is a member of the committee that handles the fund that I contribute to.

Senator CURTIS. And where is he when he receives your contribution?

Mr. REUTHER. Well, that depends upon where I am, and when he thinks it is the appropriate time to remind me that maybe I ought to make a contribution. There is no procedure worked out. There is no weekly contribution or anything like that. If you think there is, you are just wrong, because I haven't made a contribution in many weeks, and nobody suggested I be expelled from the caucus.

Senator CURTIS. Well, you are pretty busy. Where is it usually that you make that contribution?

Mr. REUTHER. Pardon me?

Senator CURTIS. Where are you usually when you make that contribution?

Mr. REUTHER. Well, I don't have any particular place. I mean, look, it is just as simple as this: I am out on a trip with a fellow to whom I give my contribution, and we are making a meeting together, and we get talking about some phase of the union's internal problems, and he may say to me "You know, you haven't made a contribution to the caucus fund for some time. Why don't you give me a contribution?"

Well, if at that time my wife hasn't talked to me about finances and I have the money in my pocket, I might give it to him then, or I might

give it to him the next morning in the office. There is no particular time or place or any regularity.

Senator CURTIS. Mr. Reuther, the individual that you say you make your contribution to, you said, was a member of your staff.

Mr. REUTHER. That is right. I can even tell you his name, if you are interested.

Senator CURTIS. I want it.

Mr. REUTHER. I will be happy to give it to you. His name is Mr. Larry Gettlinger.

Senator CURTIS. Where is he employed? Right in your same building?

Mr. REUTHER. He is on my personal staff. He is responsible for seeing that I make my contributions periodically.

Senator CURTIS. Then it is probably true that you more often make the contributions right there on the job than out on a trip that you were talking about?

Mr. REUTHER. No, that is not so. That depends upon circumstances. He might ask me on Sunday, and I might give him the money at luncheon Monday outside of the building. There is no particular place.

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. REUTHER. Do you mind when people make a contribution to your political campaign whether they give it to you in your office, or out in the field or in a car? Does that matter to you?

Senator CURTIS. Well, it might.

Mr. REUTHER. You would probably be concerned more with the size of the contribution than the location of it.

Senator CURTIS. Yes. These things are pretty expensive.

What was this man's name that you pay yours to?

Mr. REUTHER. His name is Larry Gettlinger.

Senator CURTIS. Does Mr. Gettlinger have a record of all the receipts and all the disbursements of the flower fund that he looks after, and, if so, for how far back does he have them?

Mr. REUTHER. Well, Mr. Gettlinger would have to answer that.

I am sure if Mr. Bellino sat down with him, or whoever you assign, they can find it out.

I am sure that Mr. Gettlinger, as will be the case with other people involved in handling these funds, will be able to prove by appropriate records, that the funds have been handled properly.

Senator CURTIS. You don't know if he has records?

Mr. REUTHER. I know. He told me he has records, but I have never seen them because I don't get involved in that. I make my contribution.

Senator CURTIS. How much is your contribution?

Mr. REUTHER. Well, it varies. It depends upon my financial position.

Senator CURTIS. Well, about how much?

Mr. REUTHER. Well, if we are in a tough fight and we have a situation where the national steering committee, and this is one of the expensive items—after all, we have to bring 300 people together from all over the country, and we can't spend union money, we don't spend money for that when it is a political caucus meeting, we have to help



pay the cost of transportation and some of the expenses, we don't pay wages but help pay some of the expenses, and this is costly.

If we were in a situation where there was need for more caucus activity to meet the problem, or there was greater pressure in some local unions where they needed help, if there was a problem of the Communists moving in or the racketeers, we would need more money. Under those circumstances, I would contribute more. There is no regular contribution.

Senator CURTIS. Well, how much do you, have you contributed?

Mr. REUTHER. I have contributed at one time as much as \$75, depending on the situation.

Senator CURTIS. In cash?

Mr. REUTHER. I have always made it in cash, yes.

Senator CURTIS. Are the disbursements made in cash, too?

Mr. REUTHER. I suppose there are cash disbursements and there are disbursements by other means.

Senator CURTIS. Where is this fund banked?

Mr. REUTHER. Where is it banked?

Senator CURTIS. Yes.

Mr. REUTHER. Well, this is what Mr. Bellino will find out when he sits down to talk to the people who handle it.

Senator CURTIS. I understand. But I am asking you where is this banked?

Mr. REUTHER. Since I don't handle the funds, I don't know. I know it is banked.

Senator CURTIS. You don't know where?

Mr. REUTHER. I don't know where it is banked, I don't handle it.

Senator CURTIS. Don't you?

Mr. REUTHER. Senator Curtis, look. I am not a little boy. I told you I make my contributions. A member of my staff of the committee that handles it. I have complete confidence in their integrity and I know they are banking it and handling it properly. Do I have to go around and look over their shoulder?

Senator CURTIS. No, but I think it is proper to expect that you know where they are banked.

Mr. REUTHER. Well, Mr. Bellino can find out for you, and he can tell me at the same time and we would both know.

(At this point, Senator McClellan entered the hearing room.)

Senator CURTIS. Of course, here is the thing, I can't answer the question of the chairman whether I want it invested until I know whether there are records of all the receipts and all the disbursements.

The CHAIRMAN. I understand this witness doesn't know, he doesn't have the record. But what we can do is we can send an investigator out there to find out whether there are records and what they show.

Mr. REUTHER. We are perfectly willing to cooperate, Mr. McClellan, because we have nothing to hide. I think if we were spending the union's money for internal political purposes you might investigate that. We are spending our own money because we think that is the right way to do it.

We have nothing to hide. Come out and look at the records. We will cooperate and pull them together.

Senator CURTIS. I have one more question with regard to this and then I will announce whether I want them investigated. Are any assessments made against individuals with regard to this fund?

MR. REUTHIER. They are not. Every dollar that is in these funds is a purely voluntary matter. There is no regularity. There is no fixed amount. It is purely a voluntary matter, just as though a fellow were contributing to a political campaign to elect a United States Senator. It is a voluntary matter, and, therefore, there are no assessments.

Senator CURTIS. I want to clear up one thing. When I inquired of Mr. Rand about this, at page 3896, I came into the room just a little late, and I asked several questions that had already been covered. He said—

I have already testified that I probably made a contribution on the average of 5 to 10 dollars a week depending upon the circumstances.

Still quoting Mr. Rand :

I think in my case I have been trying to contribute \$10.

Senator CURTIS. \$10 a week?

MR. RAND. Yes.

Senator CURTIS. That would be about \$500 a year?

MR. RAND. Yes.

I made no allegations on how much anybody else contributes. Of course, I do not know. I did say that if Mr. Rand were average for these 700 international representatives it would be \$350,000.

MR. REUTHIER. Senator Curtis, I have never contributed that much, and I think that I contribute perhaps as much if not more than anyone else, because I think that I am in the position where I get more money than anybody else in the way of a salary. Obviously, I like to set a good example to encourage other people to make their contribution.

Mr. Rand misspoke himself. He doesn't give that much, and it isn't regular. What happens is this: The fellow handling the caucus fund, he knows the kind of situation we are in, and we talk about it, and if we have some money left over from the last convention that helps build the thing up and it doesn't look like there are going to be any real serious problems at the convention, and we are getting close to the convention, we may ask the fellow for a smaller contribution.

If, however, it looks like the caucus fund is almost depleted because of heavy expenditures, and we need more money because there are a number of complicated issues, then we kick in more, just like if you are going to have a tough campaign to get re-elected for the Senate you need more money than if your opposition is walking on one leg.

This is the kind of situation we have. This is a political thing, only in our union it is right out in the open.

We have a caucus at our convention, our mass people, with sometimes 4,000 people at it. The newspapermen are all there. This is all out in the open like a democratic union ought to be.

Senator CURTIS. My reason for asking this question is because I do not want to spend the taxpayer's money and send investigators on something they can't find. That is why I have been trying to find out, since this is handled there, what the extent of the records are.

If we make a request in response to the chairman's questions for an investigation of a lot of this, will you instruct all of your people to make a full disclosure of all cash transactions for which there are no records, as well as the purpose of all expenditures made that may be lacking any records?

Mr. REUTHER. Senator Curtis, I stated before that we shall be most happy to cooperate in the fullest, and too to make available any information and all information that we can possibly find as it relates to these funds. We have nothing to hide.

We are quite willing to do it. But we were not asked for it.

Senator CURTIS. There are no assessments at all?

Mr. REUTHER. This is a voluntary thing. Not all of our staff members contribute. This is not a compulsory thing.

There are staff members who do not contribute to these caucus funds. They do not all contribute the same amount. It is a purely voluntary political thing. I think it is highly proper.

You see, this is all out in the open. In our union there are caucuses, the opposition has a caucus, we have a caucus, and we finance our own caucus.

Senator CURTIS. I have before me a photostatic copy of the Toledo Blade for May 20, 1950.

Mr. REUTHER. You are going back to that same political fight and these things were not proven in that hearing.

Senator CURTIS. I am not trying to prove corruption on the part of Mr. Gosser.

Mr. REUTHER. No; but this same flower fund came up in that local political fight and all of these allegations were thrown around in the Toledo Blade and none of them were proven. Did you ever see a political fight in the Republican Party or the Democratic Party where the fellow who is trying to win out hurls all kinds of charges and then the contest is over and he wished he hadn't said them?

Senator CURTIS. Yes.

Mr. REUTHER. That is what happened there.

Senator CURTIS. Referring to Gosser, the paper said:

From a folder he pulled a sheet of paper which carried the information that Edward Duke, an opposition leader, owed the flower fund \$95, and on the other sheet he said was the information that William Duke owed \$194.

Do you have any comment about that?

Mr. REUTHER. Well, Senator Curtis, the Flower Fund in Toledo which was the local flower fund there that we were handling, that, I am told, and I don't know this from personal information, because, I mean, I was not personally involved, I have been told that the Internal Revenue Department went over that one with a fine-tooth comb and the thing came out o. k. because the records were all there.

Senator CURTIS. That is Mr. Gosser's financial account, you are talking about, to the Internal Revenue?

Mr. REUTHER. No, no, no, no. I am talking about the flower fund that that paper you are reading from refers to. This flower fund was gone over with a fine-toothed comb by the Internal Revenue Department and it came out o. k.

Senator CURTIS. My question is: Were all of these transactions voluntary?

Mr. REUTHER. Voluntary what?

Senator CURTIS. Voluntary.

Mr. REUTHER. I said that they were. I said that this was purely voluntary, and the fact that there are staff members who don't contribute and that the contribution varies, I think proves that that is so.

Senator CURTIS. Well, it recites here that two men owed to the fund.

Mr. REUTHER. Yes, but it is just like, you know, saying that if you have an opponent up in your State who is trying to discredit you in order to knock you out of your position, he makes a bunch of wild charges and I go around saying "This fellow said it. It must be true."

They were allegations never proven. The Internal Revenue Department went in there and combed the thing through and found everything in order. What does a fellow have to do?

Senator CURTIS. The Internal Revenue would be hunting for taxable income, which isn't what I am talking about at all.

Mr. REUTHER. No. It would be hunting to find out whether any of the moneys raised for the purpose of a political fund were gotten by individuals so that they would be obligated to pay taxes on it. They found none of that. The other thing is the fact that there are staff members who don't contribute, and that the amount contributed varies clearly ought to indicate to any reasonable person that this is not compulsory and there are no assessments. Does every Republican who supports you give the same amount?

Of course not. This is the same kind of a thing.

Senator CURTIS. Mr. Reuther, we are talking about people that work for you.

Mr. REUTHER. No, they don't work for me. They work for the union.

Senator CURTIS. Yes, Mr. Donald Rand does work for you.

Mr. REUTHER. No, he works for the union.

Senator CURTIS. The only possible comparison would be contributions from employees in a political fight. I am not getting into that and I am not making such an allegation. But here is a fund where contributions are made, and you say they are voluntary.

Mr. REUTHER. That is right.

Senator CURTIS. They are made into a fund to perpetuate the leadership of the union—

Mr. REUTHER. That is not true. That is not true. For the purpose of electing the people to office chosen democratically by the caucus, and for supporting efforts within the union to keep it clean of communism and corruption. Now, we change candidates. We don't always reelect the same people. We do make changes. This is a decision made in the caucus.

Senator CURTIS. How many anti-Reuther candidates for any office ever got any help out of the flower fund?

Mr. REUTHER. Well, the anti-Reuther caucuses, candidates that are nominated by the anti-Reuther caucus, not by the pro-Reuther caucus. How many Democrats have ever gotten elected by the Republican Party? That makes about as much sense as your asking this question. The people nominated in our caucus are supported by our caucus. The people nominated by the opposition caucus are supported by the opposition caucus.

Do you want us to support both our own caucus and the Communist caucus or the opposition caucus?

Senator CURTIS. No, but here are people hired and paid—their wages are paid not by you personally; their wages are paid by all the workers.

Mr. REUTHER. Sure.

Senator CURTIS. And they contribute to a fund out of their wages, I assume—I assume they are not people of independent wealth—

Mr. REUTHER. Out of their wages.

Senator CURTIS. To a fund to elect the slate of the present leadership.

Mr. REUTHER. Where do you propose we get that money?

Senator CURTIS. I just think that it is inappropriate.

Mr. REUTHER. Use union money?

Senator CURTIS. No.

Mr. REUTHER. Where do you suppose we get it? Do you think a church group will give us the money or a philanthropic foundation? Where do you suggest we get this money?

Senator CURTIS. I think you should get it in the same manner that the opposition groups get it.

Mr. REUTHER. Where do you think they get it?

Senator CURTIS. They have no organization of employees to get it from.

Mr. REUTHER. I beg your pardon.

Senator CURTIS. It is the same issue as with Government employees.

Mr. REUTHER. Do you mean to tell me that a labor union can't internally, in its own structure, try to raise money voluntarily from the people who make up the membership and the leadership of that union to finance their own political activities internally to keep their union clean of communism and corruption and to elect people to offices who will do that?

You mean they can't voluntarily contribute to that? If you say that and mean it, I will tell you you will turn over the American labor movement to the Communists and gangsters in a couple of years because they will have the money.

Senator CURTIS. We are not talking about that.

Mr. REUTHER. How do you finance fighting these people?

Senator CURTIS. I am talking about these paid employees that are paid out of the union members' dues money.

Mr. REUTHER. It is their money after they get it—

Senator CURTIS. Their contribution to a fund.

Mr. REUTHER. If a fellow gets from this union his pay check, at the point he gets it and he decides to contribute \$10 to the Red Cross, \$10 to some other group, it is his money. Isn't he entitled to contribute where he chooses, and if he chooses to contribute to a political caucus fund to keep his union free and clean of these unsavory Communist and racketeering elements, is entitled to?

If we can't do that, I tell you that the American labor movement will be taken over by the gangsters because they have millions to spend. How much do you think it costs to keep a local union in Chicago that might be a war plant that comes up with 20,000 workers who are thrown together in a short period of time, who have no cohesion, who have no understanding or relationship? And watch the underworld move in. They even pay a few guys on the side to get them in their little group. How much of a job do you think that is?

Do you think you can do that with a couple of pennies? Where are we going to get this money? Well, we don't want to spend the union's money because then we could be accused of having a machine and using the workers' money to perpetuate the machine. So we raise our own money which I think is the decent way to do it.

We do it quite openly. In our convention we announce on the floor of the convention when the caucuses are going to be held. The opposition announces theirs; we announce ours; newspapermen all come. It is all out in the open like a free political convention.

But we pay for it with our own money. I want to know, Senator CURTIS, where you suggest we get this money?

Senator CURTIS. You didn't subpoena me before this committee to question me.

Mr. REUTHER. You didn't subpoena me. I came here voluntarily. Don't forget that, please.

Senator CURTIS. That is to your credit. I have here what is certified by Mr. Bond Collier, of 1913 Dominion Boulevard, Windsor, Ontario, a verbatim report of statements taken by several individuals on June 1, 1950, in the Commodore Perry Hotel in Toledo.

On page 25 there is testimony about the flower fund. Brother Spidel—I want to say to you this is not sworn. It is the union record and I looked to see if it is sworn and it does not appear to be.

Mr. REUTHER. No, it is not sworn testimony.

Senator CURTIS. It is not.

That is the difference in their pay. The difference of the pay between the international man and local man was kicked back to the flower fund. It had to be kicked back. It was compulsory, it was not voluntary at all. That is your fellows' money that is going into the flower fund.

As I say, I want the record to show that there are other references in here, but I do not want to clutter the record.

Mr. REUTHER. These are the unproven charges and after an investigation and everything, these are the allegations that were not proven. This is the whole thing.

Senator CURTIS. I understand.

Mr. REUTHER. I know, but you keep——

Senator CURTIS. No.

Mr. REUTHER. These are the same people who charge all these other things that Mr. Kennedy said some of these people act like they were insane. You could go on here forever. We went into this whole thing. We had the committee go down there and these things were disproven.

Senator CURTIS. I am talking about the flower fund, Mr. Reuther.

Mr. REUTHER. I am talking about the flower fund. The same people who raised the flower fund raised these other things. It was a political fight down there.

Senator CURTIS. I am ready to answer the chairman's question. He asked if anybody on this committee wanted an investigation of those flower funds. My feeling would be, Mr. Chairman, that if upon a preliminary investigation our investigators could find that there were books and records and so on that they could get a complete investigation, and that it contained information that this committee ought to have, that it should go on.

I would not want to be in a position to demand an investigation or an audit and have a lot of time and money spent if it was just an impossible task. So, Mr. Chairman, I hope that answers your question. I am not insisting on a reply now because you may want to check with these investigators.

Is my answer satisfactory? I know it is indefinite.

The CHAIRMAN. It is indefinite. I cannot determine about it.

Senator CURTIS. I understand that.

The CHAIRMAN. The Chair feels that if the committee wants some investigators to go out there and look up these funds and the records and come back and make their report to the committee as to what they find, if that is the judgment of the committee, the Chair will so order.

The Chair will also send such investigators as the party requesting it may name. I don't know how to be any fairer than that, if you want it. If this witness is telling the truth, there is not any reason to go out there and investigate those funds.

If he is not telling the truth, then there might be good reason to do it. It is just as simple as that. Because as I understand it, they have politics in unions just like they have them in almost any organization, maybe in a Rotary club or something else sometimes.

They get 2 different slates, 2 different groups, and 1 will support 1 candidate and 1 another. Each side raises its own money from some source, from the people who support them and want them elected, who go along with this caucus or who go along with the judgment of that caucus.

I don't know. There is nothing wrong about it. There is nothing illegal about it. If you think it would be an improper labor practice for a union to operate its internal political affairs and support it in the manner as testified here, then we have the information upon which to predicate legislation. That is improper. Legislate against it. You have the cold facts here. If there is a belief that these funds come out of union money and that this is a coverup and that this witness has not told the truth about it, then we might proceed with an investigation.

Mr. REUTHER. So help me God, Mr. Chairman, I have told the absolute truth. We will cooperate because we have nothing to hide. This is exactly as I have said.

The CHAIRMAN. The Chair has not questioned the veracity of a witness. I am simply stating a cold fact or proposition.

Senator CURTIS. Mr. Chairan, I want to state this, lest I be misunderstood. I feel, without any not only untruthfulness, but any error on the part of Mr. Reuther's testimony, that these funds may be pertinent to our inquiry. I say may be. I am making no allegation.

In our investigation for legislative purposes on matters relating to the democratic processes within a union, it might be a material help to know whether or not the employees in a union, that are paid by all the members, maintain a fund out of their pay that perpetuates the existing officers and does not contribute to the opposition.

In bringing this up, I did not and do not mean to challenge Mr. Reuther's truthfulness.

The CHAIRMAN. Let the Chair point out that it seems to me this is rather trivial. I get my salary from the Federal Government. Once I get it, I consider that mine and I can contribute to a Republican if I want to, though I am a Democrat, and I can contribute to a Democratic campaign if I want to, and although the money came to me from the Government, it became my money when I got it and I can contribute it if I so desire.

Here people work for the union. They are representatives of the union, and hired and paid by the union. They may feel it is to their interest and their advantage to continue to work for the union and they would like to have officers elected that would keep them employed.

I don't know, but that is human nature and they have a right to

do it. It is just that simple. If you want to go into it, the Chair will appoint investigators to go out and look at it. As Mr. Reuther says, they will cooperate.

Mr. REUTHER. Sure, we have nothing to hide.

Senator CURTIS. I have one more question, and then I would like to go to something else.

Would you submit your report of the Toledo investigation in 1950 which indicated that the contributions to the flower fund in Toledo were voluntary?

Mr. REUTHER. I understand, Senator Curtis, that we have already supplied Mr. Kennedy, director of the staff, with documents on that. Am I correct, Mr. Kennedy?

Mr. KENNEDY. That is right. At least the findings on your report.

Mr. REUTHER. The findings of our investigation of the Toledo situation has been turned over to the committee staff.

Senator CURTIS. Is there a finding in there whether or not the flower fund was voluntary?

Mr. REUTHER. I beg your pardon?

Senator CURTIS. Is there a finding in that report that the flower fund was voluntary?

Mr. REUTHER. I don't know whether that specifically, but I know when we went in there we went into the flower fund thing as a part of the overall investigation.

Senator CURTIS. One of the allegations was in reference to the flower fund, was it not?

Mr. REUTHER. It was. We went into that.

Senator CURTIS. The allegation was made about the flower fund, but do you know whether there was a finding in reference to it or not, one way or another?

Mr. REUTHER. I know that we went into it. I don't know whether in the formal findings that was covered or not. I know that the committee that went in there, that spent considerable time in Toledo, did get into every phase that was raised by these allegations, including the flower fund.

Senator CURTIS, you are going to find nothing here because this is exactly as we say it is. You are really going to waste the taxpayers' money, but that is your privilege. We will cooperate.

Senator McNAMARA. Will the Senator yield if he is not through?

Senator CURTIS. If you have not submitted it, the finding made in 1950 as to the voluntary, would you do so?

Mr. REUTHER. We have said we will cooperate in making any records available.

Senator CURTIS. That is the specific thing that I am requesting.

Senator GOLDWATER. Will the Senator yield?

Senator CURTIS. I yield to Senator Goldwater.

The CHAIRMAN. Senator McNamara.

Senator GOLDWATER. Senator yielded to me.

Senator McNAMARA. I will yield. I don't want to interrupt.

Senator GOLDWATER. All the Senator from Arizona wants to do before we quit is to get the name Kohler in here. In view of the fact on several occasions in your testimony you referred to the trial examiner's report, I have some excerpts here from the trial examiner's report, and while I recognize, as you do, that the trial examiner's report is not final or binding, it is merely a recommendation to the



NLRB, I think these might be pertinent to whatever record there is concerning the UAW-Kohler strike and I would like to read these.

I would like to tell you that if you want to interrupt at any time to comment on them, feel free to do so. These are statements that have been, I think, most in the record and I think most of them have been read by you or your counsel. If you want to comment on them, you go right ahead.

I think if we cooperate, we can get through with this in a hurry and then we will be back with the Kohler incident.

Mr. REUTHER. I shall be happy to cooperate.

Senator GOLDWATER. Thank you. These are findings and observations of the trial examiner in the *Kohler* case. I will refer to the page number, Mr. Rauh, as we go along, and you can follow, too.

On page 11.

It is therefore concluded and found that the present aspect of the case, October 1957, lends no support to the contention that respondent, Kohler, did not bargain in good faith before the strike.

Then on page 15, I quote again:

It is therefore concluded and found that the evidence fails to support the contention that respondent, Kohler, engaged only in surface bargaining prior to the strike.

Those two I read together, Mr. Reuther. Would you care to comment on those?

Mr. REUTHER. Yes. I think what you have there is a situation where I think an extremely competent and conscientious public servant, working for the National Labor Relations Board, who I think demonstrated not only great competence, but the patience of Job, to sit with 1 case for over 2½ years and compile this tremendous record of 20,000 pages, I think when he got around to finally putting together his findings realized that here was the longest strike in history, and I think there was no question about it that the refusal to bargain in good faith at the end of 154 days was so crystal clear that he did not bother with getting into the refinement of working out what happened before that time.

Because the weight of the evidence was so overwhelmingly as of that date and the period over which that extended was so long, it seemed to me that was sufficient evidence to base his basic conclusions upon. This is what I think happened. I am only surmising this.

Senator GOLDWATER. Those are your comments on these two statements. Mind you, these are not my statements; these are the statements of the trial examiner.

Mr. REUTHER. I understand that.

Senator GOLDWATER. On page 34, referring to the trust period from May 7 to May 9, 1954, in which the company refused to negotiate with the union, the trial examiner commented:

There remain, however, ample evidence in the record as to mass picketing and the blocking of entrances as to justify respondent's refusal to negotiate during the period. Furthermore, the union, though accorded an opportunity, offered no contrary evidence.

Mr. REUTHER. I make the same comments I made on the earlier section.

Senator GOLDWATER. Then on the next page, page 35:

As WERB later found the facts after the union announced its withdrawal from the trust agreement, it again commenced to block driveways and forcibly prevent persons desiring to enter the plant from entering.

Do you care to comment on that?

Mr. REUTHER. Would you be kind enough to give us the page again?

Senator GOLDWATER. Page 35. Did I say page 36?

Mr. REUTHER. What paragraph, so we can follow.

Senator GOLDWATER. You find that at the bottom of the page, marked 30. No; I beg your pardon. It is footnote 30 on page 35.

Mr. REUTHER. Go ahead. I don't think there is any need to comment there. You are reading from the trial examiner's findings.

Senator GOLDWATER. On the next page, page 36:

In the meantime, WERB proceeded with its hearing and on May 21 it issued its order directing the union to cease and desist from certain specific conduct, including obstruction or interference with ingress or egress from the plant, hindering or preventing by mass picketing, threats, intimidation or coercion of any kind the pursuit of work or employment by persons desirous thereof, the intimidation of the families of such persons, and the picketing of their domiciles. The union informed its membership that the order was not enforceable and would not change the picketing in any way.

Mr. REUTHER. I see no need to comment. I would like to say at this point, Senator Goldwater, in case you do not recall, I personally, in behalf of the workers involved in the Kohler strike, sent a telegram to Mr. Herbert Kohler advising him that we would be willing to settle the strike upon the basis of the trial examiner's recommendations, even though every phase of it was not favorable to the union, and this was rejected by the Kohler Co.

(At this point, the following members were present: Senators McClellan, McNamara, Mundt, Curtis, and Goldwater.)

Senator GOLDWATER. I believe that has been made a matter of record. On page 44:

Near the close of the June meetings, Conger made several references to a campaign of violence and vandalism connected with the strike. Though disclaiming responsibility, the union's representative made statements which seemed to imply endorsement and to warn of worse things to come.

Other union representatives also made public statements implying that harassment of nonstrikers, peaceful and otherwise, would be continued. The union's international representative, Vinson, has personally committed a brutal assault on a nonstriker. It is concluded and found that respondent was justified in breaking off negotiations under all the circumstances shown by the record.

Mr. REUTHER. I understand that the reference to Mr. Vinson as an international representative was corrected:

Senator GOLDWATER. I didn't hear you.

Mr. REUTHER. The reference here to Mr. Vinson being an international representative was corrected, because this is an error, as we know. There, again, I think I have expressed the point of view of the UAW on this whole question of vandalism. None of it was proven to be the responsibility of the union, although I regret very much that it took place.

With respect to the home demonstrations, I expressed myself, that while the union did not assume responsibility for their being organized, I think that we learned this, that we have to provide more affirmative leadership in a small community like that, where feeling runs high, and people congregate in front of people's homes and try

to transfer a labor dispute from a factory to the residential neighborhood. I think that is wrong, and I think we have learned that lesson here, and the union, I think, is obligated to provide more affirmative leadership on these things to prevent their recurrence in the future.

Senator GOLDWATER. Go back to page 37:

On June 24, Conger repeated his warning concerning violence and illegal activities. Ferrazza, another international representative, stated, "The trouble hasn't even started yet. We have not gone into high gear yet, but we are just about to do so." Mr. Kitzmen said, "I hope you will never go the route soliciting employees because then the trouble starts."

Mazey added, "No one has a right to scab, despite the law."

Have you any comment on that?

Mr. REUTHER. That is what Mr. Conger alleged they said.

Senator GOLDWATER. This is the trial examiner's report. It is not Mr. Conger or Mr. Kohler.

Mr. REUTHER. I understand. I understand that he is setting forth what is alleged to have been said there. He didn't hear this said. I think the record is clear, Senator Goldwater, that we have clearly stated that we recognize the right of the worker to decide not to go to work and also the equal right of a worker to decide to go to work.

Therefore, it is an improper activity to try to prevent a worker who chooses to go to work from exercising that decision. It is all in the record.

Senator GOLDWATER. You felt that way the first day of the strike?

Mr. REUTHER. Well, I testified to that in great detail on at least a dozen occasions during these hearings, that first of all I was not directly involved. The Kohler strike was a relatively small strike. I got involved in the big strikes, because I negotiate in the big corporations. This strike took on serious proportions much later than the first day. I told you the other day that there was this doubt because of all the factors involved, the background, there was this gray legal area that the attorneys were working on, and at the point that was clarified, and the decision was made that this was not a proper activity, we ceased it. But, unfortunately, the Kohler Co. has continued to carry on its improper activities, despite the fact that a finding has been made against it.

Senator GOLDWATER. Mr. Reuther, do you publish, to your knowledge, a strike manual or instructions for strikers?

Mr. REUTHER. I don't think we have a strike manual in the sense that it deals with all phases. I think there is a publication that we have that deals with the relief program and how you organize community groups to try to meet the needs of workers during strike periods, and that sort of thing.

Senator GOLDWATER. The reason that I inquired is if you did have one I would like to suggest that you incorporate in the instructions, early in the instructions, the feelings of the president of the union relative to the right of a man to work or to strike. I think that would be a great contribution to the prevention of any future occurrences, such as we have listened to for 5 weeks.

Let's turn to page 45. I will read:

The union disclaimed responsibility for the home gatherings, claiming that they were spontaneous gatherings and demonstrations by neighbors, non-employees, and curiosity seekers. The evidence, as a whole, does indicate that in their inception the home gatherings were both small and spontaneous. The

evidence is just as clear that the union immediately began a publicity campaign which was mainly designed to encourage the continuation, spread, and enlargement of the demonstrations, with such success that they soon became a matter of almost daily occurrence with hundreds of persons present, although many were onlookers."

Mr. REUTHER. I expressed my attitude on that earlier. As a matter of fact, I discussed it, I think, in my opening statements. I think the record is clear that the union was not responsible for organizing these things. They were spontaneous in the sense that they kind of came out of the emotional situation. I think the union did not provide the kind of affirmative leadership that was necessary to discourage these things.

I think we are obligated, organizationally and morally, to do everything we can affirmatively to see that this sort of thing doesn't take place. I disapprove of this thing because I think it is wrong.

Senator GOLDWATER. You are going to do all in your power to see that it doesn't happen again?

Mr. REUTHER. I certainly am. I think this is not the sort of thing that ought to take place in a dispute between a company and a union.

Senator GOLDWATER. On the same page, I will read again:

The evidence plainly justified respondent's assertion that the union was encouraging the home demonstrations. The conduct involved was sufficiently serious to warrant respondent suspending negotiations while the conduct continued. Certainly, the demonstrations which had become widespread and which had reached scandalous proportions, constituted coercion and intimidation of non-striking employees of the most flagrant type.

It is, therefore, concluded and found that respondent was justified in breaking off negotiations on August 18.

Mr. REUTHER. Well, the trial examiner was, I think, trying to reflect the kind of feeling that existed in this strike. I think the central point you always must keep in mind, Senator Goldwater, is that after you read all these paragraphs the company was found guilty of bargaining not to reach an agreement but bargaining to avoid an agreement; bargaining not to try to make the union compromise its demands, but to totally capitulate to the point of reducing it to impotency in terms of an effective collective-bargaining agency.

Those are the final things and that is the meat of this finding.

Senator GOLDWATER. Mr. Reuther, one of the reasons that I am taking this time to read these into the record is that you have referred to them so often that I think that we should set the record straight.

Actually, the first act of illegality was performed by the union, but I don't think it is something we have to argue.

Mr. REUTHER. No; I think you are wrong.

Senator GOLDWATER. When you mass picketed?

Mr. REUTHER. No; it is not right, Senator. It is true that, ultimately, this was found to be improper and we ceased doing it. But when the company first—and this was in advance of the strike and, therefore, in advance of any mass picketing—the company refused to provide the union with the wage data which it had requested at the bargaining table, this was the first illegal act because the Labor Board requires that a company provide a union, upon request, certain basic wage data, and the company refused. That was the first illegal act, and it was done by the company.

Senator GOLDWATER. Now, Mr. Reuther, on several occasions in your testimony, I believe you have stated, and as have several other witnesses, UAW witnesses before you, that you offered to meet personally with Mr. Kohler and sit down with him in an attempt to settle the dispute or negotiate a contract. I just want to read what the trial examiner has to say about that. That is on page 46.

On April 22 and 23 the suggestion was made that Kohler meet with Reuther at the bargaining table. The union agreed. Respondent rejected the suggestion, branding it as a publicity device, and stated that it would not relinquish its right to choose its own representatives and that its committee was fully authorized to make a contract and would meet with Reuther or any other representative of the union.

The record does not indicate that the union ever attempted to bring Reuther into the negotiations with respondent's committee.

And let me continue on page 51 with the same thought:

Nor can Kohler's refusal to enter the negotiations with Reuther be found indicative of bad faith. The act, section 8 (b) (1) (a) gave respondent the right freely to select its representatives for collective bargaining, and its management committee was at all times fully authorized to act for it.

Furthermore, the evidence as a whole supported respondent's assertions that the suggestions for a Reuther-Kohler meeting were mainly for publicity purposes. It must be assumed that Reuther was as much interested as Kohler in settling the dispute, yet he made no attempt to enter the negotiations with respondents' duly authorized representatives.

Mr. REUTHER. The trial examiner obviously is dealing here with purely legal aspects of this case, because that is the only area in which he is legally authorized to deal. I can assure you that I have sat down in a lot of small strike situations when they were critical and when I could be helpful, at all hours of the day and at all kinds of places all over this country, and that my efforts to get Mr. Kohler at the bargaining table were not publicity stunts, because we would have liked to have been able to settle this strike. We thought that maybe getting some new faces across the table from each other would be helpful. It is helpful many times. Sometimes people will get emotionally fixed, staring at each other for weeks and months, and a couple of new faces sometimes brings in a new point of view and you can break a deadlock.

We have never for one moment, Senator Goldwater, claimed that the company did not have a right to choose their representatives. Obviously, they do. They could send Mr. Conger in, they can choose anyone. We have never said that Mr. Kohler has a legal obligation.

We know that that is something—we felt that he had a moral obligation. Here was a situation where he was the head of a company, the strike had gone on for all these months, and he never sat for 1 minute in 4 years of a strike at the bargaining table. That is not true in any other big corporation. General Motors Corp. had 500,000 employees, and yet Mr. C. E. Wilson, Mr. Knudsen, and these people, sat at the bargaining table when they were needed.

Just the other week I worked out a problem with Mr. Colbert, the president of the Chrysler Corp.

They have over 100,000 workers. So getting the top people at the bargaining table, sometimes, not because they possess any superior wisdom but just getting them there because they are the symbols of the highest leadership in the two organizations, can crack a nut that maybe other people have not succeeded in doing. This was my whole effort. I think it was most unfortunate that Mr. Kohler, not that

there was any guaranty that we could settle it, but I think that both of us, morally, were obligated to put our feet under a table and sit down in good will and try to find an answer to resolve this problem that was causing so much hardship, so much bitterness, and so much distress in that community.

Senator GOLDWATER. Now let's turn to page 67, and let me read:

It is unnecessary to describe the picketing in detail; it can accurately be described as mass picketing on a grand scale. Thus, union spokesmen in publications estimated the pickets as numbering from time to time 1,200, around 1,800, around 2,000, and over 2,500, and described them as moving in a double line along the sidewalk, going in both directions for two city blocks. A shifting group, acting as sort of advance guard, usually forms on Industrial Road on occasions when groups of nonstrikers approached the lines in an effort to enter the plant. On a number of such occasions the nonstrikers were physically blocked, pushed, shoved, and prevented from entering. In some instances the pickets refused to permit entrance despite requests of Police Chief Cappelle to let the workers in to the plant.

On those and other occasions, the pickets yelled and shouted such things as, "Hold that line," "No one gets through," and "Go home, scab, go home."

The union also put into effect and maintained during this period a pass system under which persons desirous of entering the plant, the main office, the employment office, or medical department, housed in the same building with the employment office, were required to procure passes from the union strike headquarters at Peterson's Tavern some miles away.

Mr. REUTHIER. I think we have been over this territory so many times.

Nobody questions the fact that there were a lot of Kohler workers there for the reasons that we explained. First of all, they were fearful of their own personal security because there had been 2 workers killed and 47 people shot in the 1934 strike, as reported by Father Maguire, who testified that all but 2 were shot in the back, despite the fact that a company official said only 20 were shot in the back. And they were there also because Mr. Conger had said that the union didn't represent a majority of the Kohler workers, and the most effective way they believed to demonstrate they did was to come out in large numbers.

So there is now no question about it. There were a lot of Kohler workers in the picket line at the same time, and they were marching around in circles.

Senator GOLDWATER. Mr. Reuther, again, as you know, these are the trial examiner's reports, and you place a lot of confidence in them. I merely wanted to get them into the record before we finish today. We are moving along very nicely.

Mr. REUTHIER. How about putting the whole document in there? We will take the whole package. If the Kohler Co. will take it as the trial examiner found, we will settle on the trial examiner's findings.

Senator GOLDWATER. On page 68:

Obviously, picketing on the scale and in a manner as here conducted was reasonably calculated to bar, and had the necessary effect of barring ingress and egress to and from the plant.

The union recognized that this was so; its boastful banner headline in its newspaper on April 8 correctly described the situation: "shut down like a drum," that the union hoped and intended to keep it so was plain from all the evidence down to the time that the enforcement proceedings, brought by the WERB, forced the union to open its picket lines on April 28.

Would you care to comment on that?

Mr. REUTHIER. It is more of the same. I would like to say that the conclusion was that the company was guilty of being in violation of the law, because it was not bargaining in good faith.

It was bargaining not to reach a conclusion to avoid an agreement. It is the conclusion that counts.

Senator GOLDWATER. On page 68:

The general counsel concedes that mass picketing of the type which occurred in April and May of 1954 was unprotected, concerted activity, and that generally an employer would be upheld in discharging all who engaged in it.

It, Kohler, was obviously entitled to discharge their leaders, those who authorized, directed, and controlled the illegal conduct.

Do you care to comment on that?

Mr. REUTHIER. Well, you are skipping around here so much it is difficult to follow you. We know what is in here, Senator Goldwater, and we don't pretend that he ruled with the union on every detail. But despite the fact that he didn't rule with us on every detail, we are willing to accept this as a basis for settlement, and so wired the company.

But they rejected it. They appealed it. We didn't. Then after they rejected it, we appealed and obviously, since they are challenging the things that are favorable to us, we are challenging the things that are unfavorable. That is why you have appeal procedures.

Senator GOLDWATER. On page 71:

There was no formal picket line and no picketing as such. Various people in the crowd, including some of the strikers, shouted and yelled at the non-strikers, called names, insults, derisive epithets, and sometimes threats. Some of such activity was directed at the company's representatives when they were in the neighborhood for the purpose of gathering evidence, though none of the nonstrikers were physically assaulted or prevented from entering their homes, their treatment was plainly coercive and intimidatory as regarded their employment by Kohler.

Though disclaiming that the demonstrations were planned by the union, the union's publicity was plainly designed to encourage their continuation and spread.

Mr. REUTHIER. I have already expressed myself that I do not think that the evidence, and certainly he did not so find, that the union organized these, that they came out of the emotionally charged atmosphere of a small town; I think, however, that the union did not, and it ought to exert more positive direction to discourage these things.

Senator GOLDWATER. I am happy to hear you say that, and I am happy to hear you say you will carry this message down to all the levels.

Mr. REUTHIER. You can be sure that I shall.

Senator GOLDWATER. Mr. Reuther, I have just one part of the report to refer to. You have repeatedly emphasized that once the Wisconsin board issued its cease and desist order the union terminated its illegal picketing as promptly as possible.

I call your attention to the fact that 6 months or more after that order, despite the injunction issued by the Wisconsin Court enforcing that order, illegal picketing was again carried on by the union in December of 1954 and January of 1955. This time it occurred at the company's employment office.

I will quote the trial examiner on page 74.

(At this point, Senator McClellan withdrew from the hearing room.)

Senator GOLDWATER.

The evidence as a whole established that there were frequent instances when groups of pickets interposed themselves between approaching applicants and the entrance to the employment office, that the applicants either had to push their way through or walk around the pickets, and in the latter cases, the pickets sometimes again shifted to interpose themselves as the applicants attempted to sidestep.

Sometimes the applicants either walked out into Industrial Road to get around the pickets on the sidewalk or onto the grass plot next to the employment office. The evidence showed also that on some occasions one or more of the village police, who were usually stationed across High Street, came across, if an applicant seemed to be having difficulty, and ordered the pickets to open up and let the person through.

Such directions were obeyed, though sometimes only after further palaver. The evidence also showed that on some occasions when the applicants walked through or around the pickets, someone or more of the pickets bumped, shouldered, pushed, shoved or tripped the applicants.

Would you care to comment?

Mr. REUTHER. I will ask Mr. Rauh to comment, because he knows the particular technical aspects of this point.

Mr. RAUH. There was no more mass picketing, but when you do have a picket line over months, there are bound to be some incidents.

This was apparently a minor incident at that time. I don't think it changes the basic fact that we stopped mass picketing almost immediately after the Wisconsin Employment Relations Board activity.

Senator GOLDWATER. Mr. Reuther, two questions and we will be finished.

Mr. Mazey defended the action of the Wisconsin State CIO Council in withholding contributions to any community chest that contributed to institutions using Kohler products. Of course, as you know, UAW locals in the State of Wisconsin are members of that State council. The Wisconsin A. F. of L. refused to go along with that CIO action.

Do you, like Mr. Mazey approve of it?

Mr. REUTHER. Well, I was under the impression that Mr. Mazey had not approved it.

Senator GOLDWATER. He defended the actions. I will put it that way. Would you defend the actions?

Mr. REUTHER. Let me state what I think are my opinions, my views on this thing. We have encouraged our membership to participate in and contribute to community chest drives. As a matter of fact, in the city of Detroit, I was actively involved as were other people in our union, along with management representatives, to work out what we call "Give once and give for all, the United Community Chest approach."

That was worked out in Detroit. For years and years and years the Detroit community agencies could not raise their funds, and their budgets were never met. Obviously, the community suffered because the services were not adequate.

Then we worked out the system by which you could sign an authorization card and have the money taken out of your pay check and contribute to all the communities at the same time, so that one day one agency would get a contribution and 2 days later there would be another one out in front of the gate with a tin cup. We worked that out. We have tried to encourage, and I think the record of what we have done here, and the efforts of the CIO community agency, now a part of the AFL in this area, has made a contribution.



I think that a local group would have a right to go to the community agencies and say "Here is a labor dispute in which there are these issues involved: The company is not meeting its responsibilities, bargaining in good faith, and we would like to urge you that any community agency that uses our money, not to buy their products."

I think in many cases you would have community agencies that would try to work out a relationship on that basis. I think, however, that after trying to do that by that kind of personal discussion, if some group that gets money from a community agency was involved in a project and had taken on Kohler fixtures and so forth, I would not attempt to interfere there or to boycott their activities, because I think you can also carry these things to the point where they get too far removed from where the dispute is.

That's how I feel, as a person.

(Present at this point were Senators McNamara, Mundt, Goldwater and Curtis.)

Senator GOLDWATER. Again, Mr. Reuther, we find that the Duluth, Minnesota, AFL-CIO Central Labor Board has voted to withhold its support from the Duluth Community Chest in the future unless St. Mary's Hospital is dropped as a Community Chest Agency.

This action was taken, and I quote from the record:

After hospital officials rejected a request from the labor board to rescind a contract calling for the use of \$7,000 worth of plumbing fixtures from the strike-bound Kohler Company in a hospital remodeling project.

On page 1481 Mr. Mazey was asked if he condemned this action by the labor group. Mr. Mazey replied:

Mr. MAZEY. No, I don't think they have a right to spend their money.

Senator MUNDT. Do you approve of it?

Mr. MAZEY. Yes, I think they have a right to spend their money the way they want to.

Would your same disapproval of the action in the previous question apply to this?

Mr. REUTHER. I understand that Mr. Mazey said more than that. He talked about their right. I also agree that they had a right. But this is not a matter of right. This is a matter of what should one do in this kind of situation. I can understand what happened. These fellows were, I think, deeply and emotionally involved in this thing. They felt that a great injustice was being done to the Kohler workers by the antilabor attitude of this company, by the callous indifference of this company.

They probably heard about the enamel shop with no lunch period where the workers had to work 8 hours without a lunch period, where they had to grab a sandwich between bathtubs.

Another plumbing company where the workers had decent working conditions, made as much in 6 hours as in the enamel shop in Kohler. All these things get kind of deep seated in a fellow. I think while I can understand why they did it I do not agree with what they did.

I think they carried this into an area of the community where it does not properly belong.

Senator GOLDWATER. Thank you.

Senator McNamara, I am sorry I took so long but I am happy to yield to you.

Senator McNAMARA. I am acquiring a little patience. I thank you. I would like to ask Mr. Reuther, what conclusions the NLRB examiner reached in this case.

Mr. REUTHER. Fundamentally he reached the conclusion that the Kohler Company was in violation of the law of the United States because it had refused to bargain in good faith to reach an agreement, but had been bargaining rather to avoid an agreement and that it was bargaining not to try to settle the strike, but to essentially deny the union the results of good faith collective bargaining.

As he says, he was not trying to force the union to compromise on its demands but reduce the union to impotency and in effect destroy it.

Senator McNAMARA. Am I to gather from that that the predominance of the weight of findings seemed to favor the union over the company?

Mr. REUTHER. Most certainly. That is precisely why the union was willing and so advised the company in writing that we would accept the trial examiner's recommendation as a basis for settling the strike even though it was not favorable to the union in every detail, because in the broad areas of the problem it is favorable to the union and that is why we were prepared to accept it as the basis of settlement.

Senator McNAMARA. Before we get too far away from some of the previous questions, I want to ask you a few questions about contributions to political campaigns.

Do you believe it is proper for corporation officials to take time off from their jobs to participate in elections?

Mr. REUTHER. I do not think it improper. I know that they do it.

Senator McNAMARA. Do you know of a case where the president of one of the large automobile companies sent out a memorandum to all employees, both wage and salary workers, stating that such practice was approved by the corporation?

Mr. REUTHER. I think that the president of Ford Motor Company sent such a memo to the top executive personnel and to other personnel in the company encouraging them to be engaged in political activities with the approval and in conformity with the policy set forth in that communication.

I think if you will look at the record you will find that they made contributions, too, and that the list of contributions to the Republican Party in Wayne County will show that almost the exact list of top managerial personnel the way they were taken off the payroll.

Senator McNAMARA. The memorandum that we were referring to, both you and I, was put in the Congressional Record on July 17, 1956. It was put in by another Senator, not by me. It was taken out of the July 17th issue of the Washington Post, so this is pretty well understood.

I would like to ask you, Mr. Reuther, are you familiar with the Federal court cases that developed out of the investigation of automobile agencies making contributions for political campaigns that were found to be improper by the Federal court in the city of Detroit?

Mr. REUTHER. I know about that in a general kind of way; yes.

Senator McNAMARA. I see the chairman is coming now and while he is getting up here, I will make reference to some of them and see if he wants to include them in the record or if he wants me to read them into the record.

(At this point, Senator McClellan entered the hearing room.)

Senator McNAMARA. I recognize the hour is late and it is Saturday evening, well after 5 o'clock, and I do not want to prolong this unnecessarily.

Mr. REUTHER. We could have a night shift and get double time Saturday night. We only get time and a half today.

Senator McNAMARA. I come from a union that gets double time for all overtime. I think that is probably a slight difference in our settlement. I do not want to work for time and a half.

Aside from that, Mr. Chairman, I have a list here of automobile agencies who have been found guilty in the Federal court in the city of Detroit and fined varying amounts. I would like to read them into the record unless you will accept that they can be made a part of the record.

I suggest this only in the interest of saving time. It starts out with Otto P. Graff, Inc., Otto Graff, president; according to these official records from the United States attorney's office in Detroit. He was fined \$750 for improper political contributions.

It goes on: Genessee Motors, Inc., Roy Burgess, president; fined \$500.

The CHAIRMAN. To get it in the record you ought to have somebody sworn to it that it is correct.

Senator McNAMARA. I have obtained these from the United States attorney in the city of Detroit. I have a communication from him setting these things forth. I would be reluctant to think that we would question it.

Part of it is from the United States Department of Justice. In fact, this communication I was reading from comes from the Department of Justice, signed by Lawrence E. Walsh, Deputy Attorney General. I did not think there would be any question about the veracity of it.

The CHAIRMAN. I do not question the veracity of it. It is a question of the record. It should be introduced under sworn testimony in some form. That is what the Chair has been holding all the time and trying to do.

Senator McNAMARA. Then I must take the time to ask Mr. Reuther if he is familiar.

The CHAIRMAN. If Mr. Reuther can testify that is his information and it is correct, it is going in the record as an exhibit.

Senator McNAMARA. I have already asked him if he knew about it and he indicated that he had general knowledge and not detailed knowledge. I will recite the detailed knowledge. I was trying to save time.

The CHAIRMAN. I have no objection if the other members of the committee do not, to make it an exhibit, but the Chair has to rule according to rules and if I set a precedent here then I am going to be challenged later on some other things. I know that.

Senator McNAMARA. I think we set a precedent by working at this late hour on Saturday evening. I will continue and perhaps in the end it will save time.

The CHAIRMAN. All right.

Senator McNAMARA. The next is Northwest Chevrolet Co., Myron P. Patterson—

The CHAIRMAN. Ask Mr. Reuther if he knows them.

Senator McNAMARA. I have already asked him. He said he knew them in a general way and he did not know about the details. I am filling in the details that I have from the United States Department of Justice. I do not want to sell this thing short.

In the case of Myron P. Patterson he was fined \$1,650. The North Bros., Inc., Ernest North, who was fined \$1,000.

The CHAIRMAN. Mr. Reuther, do you know about these?

Mr. REUTHER. Mr. Chairman, I know about those matters in a general kind of way because there was a great deal of interest and discussion in Michigan about these things because I think there was common knowledge that the dealers' organizations were subjected to some sort of big political assessment whereby they kicked into the Republican funds. I think the details are involved in that report there.

The CHAIRMAN. The Chair would like to expedite this but I have a problem here now. If there is no objection on the part of any member of the committee, in order to expedite and try to get through here tonight—

Mr. REUTHER. Is that a promise? Can I call my wife and tell her I will be home tomorrow?

The CHAIRMAN. I will let this be made an exhibit for reference as to whatever weight and value the committee would give to it.

Senator MUNDT. No objection on our part, Mr. Chairman.

The CHAIRMAN. I do not want to set a precedent here, gentlemen. This committee will probably continue its labors in other fields and investigations. I do not want to set precedents here that will embarrass the committee later.

Therefore, without objection, it will be made an exhibit for reference; the exhibit number is 135.

(The document referred to was marked "Exhibit No. 135" for reference and may be found in the files of the Select Committee.)

Senator McNAMARA. I will summarize this group of automobile dealers who were fined \$18,350 in Federal court in Detroit for violation of the Corrupt Practices Act.

Thank you.

The CHAIRMAN. All right. Are there any other questions?

Senator MUNDT. I have some if the Senator is through.

The CHAIRMAN. All right. Can we let this witness have a moment of rest while we hear Mr. Bellino and then finish his testimony?

Mr. REUTHER. I was going to say I have been treated like a Kohler worker. You do not get a lunch break or anything here.

The CHAIRMAN. You may blame the Chair for that.

Mr. REUTHER. I have no complaints of the Chair. You have been more than generous.

The CHAIRMAN. I have pretty much suffered with you. You may be at ease for a little while if you like and we will hear Mr. Bellino now.

Mr. REUTHER. Thank you.

The CHAIRMAN. Mr. Bellino, Mr. Reuther has testified that he turned over to you and made available to you all of his personal financial records, I do not know over what period of time. I do not recall, and that he also turned over to you or made available to you all of the union's records that you were interested in.

## TESTIMONY OF CARMINE BELLINO—Resumed

The CHAIRMAN. Mr. Bellino, have you made an examination of all these records?

Mr. BELLINO. Yes, sir.

The CHAIRMAN. Identify the records. What records were turned over to you first? Mr. Reuther's personal records?

Mr. BELLINO. Mr. Reuther turned over copies of his income-tax returns.

The CHAIRMAN. For how many years?

Mr. BELLINO. For the period from 1942 through 1956. Also, his bank statements, savings accounts, cancelled checks for the period from 1952 through 1957 and also various details of real estate transactions and war bonds that he owned.

The CHAIRMAN. What did he turn over with respect to the union?

Mr. BELLINO. With respect to the union he turned over those records which I requested, particularly relating to expenditures involving the Kohler strike.

Senator MUNDT. Could we have an enumeration of the records that he requested because I do not know what that means.

The CHAIRMAN. Yes, sir; I was going to ask him to do that.

Mr. BELLINO. The records would be: The general ledger, the cash disbursement records, subsidiary accounts, any reports or statements that were put out containing that information.

Also, copies of any audit reports of the manner in which the union operated in connection with their auditing staff. Those generally, were the main records.

Senator MUNDT. The reason I asked, is I was wondering if they included the records you were discussing this morning which involved the cost of the publication of the memo AFL-CIO.

Mr. BELLINO. The AFL-CIO—

The CHAIRMAN. You did not get the AFL-CIO records, only the UAW.

Mr. BELLINO. No, sir, only the UAW.

The CHAIRMAN. I understand Mr. Reuther it was that the publishing of the bulletin or whatever it is—

Senator MUNDT. Memo.

The CHAIRMAN. That it was done by the AFL-CIO and not UAW. We do not have the records on that other than what Mr. Reuther has been able to give us today.

Senator MUNDT. Do I understand from Mr. Bellino's testimony that we received no records from Mr. Reuther in his capacity as an officer in the AFL-CIO? We got only records dealing with the UAW?

Mr. BELLINO. That is correct.

Senator MUNDT. We got nothing in connection with the—

Mr. BELLINO. AFL-CIO.

Senator MUNDT. With the contributions that the AFL-CIO political action committee makes, we have nothing on that score at all?

Mr. BELLINO. Not in that connection; no, sir.

Senator MUNDT. Perhaps Mr. Reuther does not have custody of those records. I do not know.

Mr. REUTHER. Mr. Chairman, I think there might be some misunderstanding here. I do not have custody nor am I responsible for the

records of the AFL-CIO. We provided Mr. Bellino all the records we requested as it relates to the UAW. If we made a contribution from the UAW to the COPE, that would be among the records. After the COPE, got the money, those are records which the AFL-CIO would have and we were not asked for those and we would not be able to provide them because only the AFL-CIO has those records.

With respect to any moneys we spent, whether it was the COPE contribution or the Kohler strike contribution, we were prepared to provide all of that as it relates to the UAW.

Senator MUNDT. Would the records you turned over show how much money the UAW contributed to Mr. Rauh's ADA?

Mr. REUTHER. It is all in the records. There is a record of all that, contributions to ADA, to religious groups, charitable groups, all kinds of groups.

Senator MUNDT. Were the records broken down in to some categories, Mr. Bellino, so those contributions are separated from the regular, ordinary operating expenses of the union?

Mr. BELLINO. Yes.

Senator MUNDT. So you are able to summarize that?

Mr. BELLINO. If it is desired; yes, sir.

Senator MUNDT. Has it been tabulated on that basis?

Mr. BELLINO. We have some of the information on those expenditures; yes.

Senator MUNDT. From the records that you have, you would be able to make a tabulation and give it to the committee or this member of the committee so that we would see in fact, the extent of contributions of that type?

Mr. BELLINO. Yes, sir; we have that.

The CHAIRMAN. Are there any other questions?

Mr. Council, you may proceed. I am not familiar with the details.

Mr. KENNEDY. You went through Mr. Reuther's personal records that he turned over to you; is that right?

Mr. BELLINO. Yes.

Mr. KENNEDY. And made an examination back how far on some of these records and transactions?

Mr. BELLINO. From May 1952 through 1957. However, I have the income tax returns from 1942 through 1956, which would give us information of the various sources of income from that period.

Mr. KENNEDY. What were the sources of income since 1942?

Mr. BELLINO. His main source of income was his salary from the UAW union. In addition, for a period of time there were various speeches or books or articles that he may have written.

Mr. KENNEDY. Tell me this. On the salary, what does that range from? What is his salary at the present time and what was it when the investigation began, the first year?

Mr. BELLINO. In 1942 it was \$4,900. In 1957 it was \$20,900.

Mr. KENNEDY. You were talking about the other sources of income that he has had. Has there been any other sources of income?

Mr. BELLINO. The only other sources of income chiefly were the speeches from time to time, articles that he may have written.

Mr. KENNEDY. What would happen to that money?

Mr. BELLINO. Generally, initially he retained that money but turned it over, as I understand, as contributions for charitable purposes. When he found that he was paying taxes on those contributions, he

set up a Walter Reuther Foundation and from that time on the money was paid directly by these people who would pay him these fees to the Walter Reuther Foundation and used for scholarships for the children of members of the union as well as other charitable purposes.

Mr. KENNEDY. So where he made a speech on the outside or wrote an article for which he got paid, that money was turned over to this foundation?

Mr. BELLINO. That is what goes on at the present time.

Mr. KENNEDY. Has he had any outside ownership of stock?

Mr. BELLINO. He had around 1948 a purchase of Nash-Kelvinator stock at around \$1,000, and that was sold in April 1956 for almost the same price, \$1,001.26.

Mr. KENNEDY. It was purchased for how much?

Mr. BELLINO. \$1,000.

Mr. KENNEDY. He has bank accounts?

Mr. BELLINO. Yes, sir. He turned over all his bank accounts.

Mr. KENNEDY. The money is deposited in bank accounts?

Mr. BELLINO. Yes, sir. He follows a practice of depositing all of his checks except sometimes his expense checks, which he might cash. But all of his salary checks are deposited in his savings accounts, generally, and when he needs money in his checking account it is transferred from the savings account.

Mr. KENNEDY. So the procedure that we have found in some people that have appeared before the committee, of dealing completely in cash and keeping the money in cash in a little box at home, that procedure was not followed?

Mr. BELLINO. In this particular case with Mr. Reuther, and also his union, the procedure is entirely vastly different from the other union leaders that we have had before us and which we have investigated.

Mr. KENNEDY. What about the expenses from the union, Mr. Bellino? What occurred as far as the expenses are concerned?

Mr. BELLINO. Mr. Reuther's expenses invariably—he would submit expense accounts to his union at the per diem; usually it was \$7.50 a day. It ranged from \$7.50 a day to \$12 a day. I found in instances when he was traveling or was on business for the AFL, during that period of time if he did accept the check from the AFL, he would not submit a bill to the union. Later on he found, at least his procedure was to turn in his check from the AFL to the union and elect to receive the lesser per diem figure from the union.

In other words, the union paid him from \$7.50 to \$12 per day per diem. The AFL paid him \$40 to \$50 per diem. He would elect to receive the fee of \$7.50 to \$12 and turn in to the union the \$40 or \$50 per day per diem from the AFL.

Mr. KENNEDY. We found in some instances again before this committee where individuals went to hotels and made charges to their hotel room, personal charges, and then the union paid for those bills. Did you find that?

Mr. BELLINO. Yes, sir; we found that invariably. First there were duplicate expenses in other cases.

Mr. KENNEDY. Did you find that as far as Mr. Reuther is concerned?

Mr. BELLINO. I don't quite get that.

Mr. KENNEDY. Did you find that procedure followed by Mr. Reuther in any occasion?

Mr. BELLINO. In charging for the hotel? I didn't quite get the question.

Mr. KENNEDY. Having his personal purchases charged to the hotel and then paid for?

Mr. BELLINO. No, sir. If anything, his hotel bills are audited very carefully. For instance, in one bill there was a valet charge of \$1.50 or \$1.75. That was stricken off. It was not paid by the union. It was charged to him personally. So they are very careful in the auditing division to charge the member or the officer with any personal expenses. The union does not pay for any personal expense, no matter how small the item may be.

Mr. KENNEDY. Mr. Chairman, we have also gone into a number of different unions regarding the financial records that are kept by them. We went into the UAW also, extensively. For instance, we went into the international books—Mr. Bellino went into the international books of the UAW—which we had not done in the Teamsters.

We found that a different procedure was followed by the UAW from that followed by these other unions that we have examined. I think in view of the fact that we have brought out some of the derogatory information regarding other unions and the procedure that they have followed, it might be well if Mr. Bellino, just for a minute or two, described what has been followed by the UAW in dealing with their moneys.

I would like to ask you, first, if there is a definite rule to be followed by financial officers of the union?

Mr. BELLINO. Yes, sir. They put out a booklet which is called Duties of Local Union Financial Officers, which explains in detail and in simple layman's language, with samples of entries, exactly how a union secretary-treasurer should maintain his records, what reports he should submit, how to collect the information.

It is very detailed. I might say it definitely is one of the best methods we have seen in any union. We have not seen anything like this in the Teamsters Union. They have a large summary of income as well as a summary of expenses, which we have found it very necessary to spend days and days in trying to get information out of the Teamsters Union, which was no difficulty whatsoever in connection with the UAW unions.

Mr. KENNEDY. Is there anything further you want to say on that?

Mr. BELLINO. They also have an auditing division. The auditing division, I understand, consists of about 22 men. I have samples of their reports. They are identical with what certified public accountants would put out. They have a regular auditing program.

They submit these reports through channels to the local union and insist that the headquarters at Detroit be advised that the report was read at the meeting and any comments that the members have with respect to the report.

I noticed various followup letters where they may have been dilatory in notifying Detroit, but they kept right after them. Their records are audited at least one a year, and the trustees are also required to audit every 3 months, or they may elect to engage a certified public accounting firm. I noticed various CPA reports where they make examinations.



Mr. KENNEDY. You made reference to some booklets, first, for the instructions that are given to those handling the finances. Mr. Chairman, could we make that an exhibit for reference, and also the other papers to which Mr. Bellino has referred?

The CHAIRMAN. Why don't we make the whole file one exhibit.

Mr. KENNEDY. Fine.

The CHAIRMAN. Wait a minute. Are any of them to be returned to the union?

Mr. BELLINO. No.

The CHAIRMAN. You have nothing to be returned to the union?

Mr. BELLINO. No, sir.

The CHAIRMAN. The complete file of the documents, reports and whatever you have there, with respect to the union, may be made Exhibit No. 136 for reference.

(The documents referred to were marked "Exhibit No. 136" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Also, Mr. Bellino, in some of the other investigations that we have conducted, we have found no check authorization. When a check is written, there is no authorization for it or it has been handled in an improper manner.

Mr. BELLINO. Yes, sir. We have found merely just the issuance of a check which would be cashed and no supporting documents whatsoever. In this union they have a regular check authorization and complete detailed supporting documents, particularly with respect to organization expenses. I don't recall seeing one check in any of the Teamsters Unions or locals that we have examined where a check would be issued for \$5,000 or \$10,000, it would be cashed, there would be no supporting documents whatsoever of any of those items.

In this union you have a supporting document showing exactly what it was spent for.

The CHAIRMAN. Did you find any instance where there were false entries?

Mr. BELLINO. No, sir.

The CHAIRMAN. It has been my observation in the course of this investigation that frequently there are entries made—and I think this is a very common one—such as organizational expenses, where the money was drawn out and cashed and spent and there is no way of tracing it.

Did you find anything like that in their records?

Mr. BELLINO. No, sir. In this case, where there was organizational expenses, it showed the plant where the expenses were incurred and it gave detailed items of the nature of the expenditures.

The CHAIRMAN. That is a racket that is going on in some unions, as we know, and I just wanted to know about this one.

Mr. KENNEDY. Also, on the weekly expense form, in other investigations or investigation of other unions, we have found that there has been no authorization or documentation on expense accounts that have been issued each week.

What did you find in the UAW?

Mr. BELLINO. Here they have a regular statement of expenses which is broken down by each day. It covers a period of two weeks and accounts for every expenditure, whether it is a car allowance or taxi, limousine, parking, telephone, telegraph, and to whom the telephone call was made. That would be listed.

That is something we have never found in any other union.

Mr. KENNEDY. What about the cash receipts and disbursements for the month? Did you find that broken down?

Mr. BELLINO. The cash receipts had complete detailed information as to the source of the funds. Any item you could trace. All you need is the time. But the information and data is there.

Mr. KENNEDY. You found also a bonding policy?

Mr. BELLINO. Yes, sir. They have a policy of what they call self-bonding. They found their losses in connection with their finances was so low that while the insurance rates were so high, they decided to have a self-bonding policy.

They bond all of their employees in that method. The fund at this time amounts to \$139,000, and their own auditors have found approximately 4 or 5 instances where there have been defalcations within their union.

In each instance the information was brought out and appropriate criminal action taken, or in some cases, presently pending.

Mr. KENNEDY. Do you have any summary, Mr. Bellino, not on that but just generally, what you found?

Mr. BELLINO. There were five.

Mr. KENNEDY. I don't mean on that. I mean generally on your review of the books and records of the international. What is your opinion, your view?

Mr. BELLINO. Generally, I believe it was one of the reasons why we have never received any letters in all my experience, going back to the House Committee on Education and Labor, that involve any of these UAW-CIO locals, because of the excellent way that they keep their records and the auditing which is done in their organization.

The CHAIRMAN. Are there any other questions?

Senator Mundt?

Senator MUNDT. Counsel overlooked mentioning one of the comparisons I think we should make. In these previous investigations we have found that one of the typical patterns which has developed in these unions, as I recall, is the question of nepotism.

Is there any evidence of nepotism in this union?

Mr. BELLINO. I have not seen anything like that, Senator, that I know of, except—

Senator MUNDT. When you investigated the books, I just wanted to get it in the record. It is fine if there are no instances. We have disclosed them in other unions. If there are none here, from your examination of the books, you should so state.

Mr. BELLINO. I don't know of any. I know there are two other Reuther brothers. I understand they were both in the union before Walter became president.

Mr. REUTHIER. Mr. Chairman, may I comment on that?

Senator MUNDT. You may. It is my question.

#### TESTIMONY OF WALTER REUTHER—Resumed

Mr. REUTHIER. Senator Mundt, the records of our union will show that I was the last member of the Reuther family who got on the payroll. My two brothers were on the payroll before I was. I didn't put them there.

Senator MUNDT. I was making no implication. I thought we should go through the whole routine.

Mr. REUTHIER. I am glad you raised it.

Senator MUNDT. There are others who have a couple of brothers in the union movement.

Mr. REUTHER. Both of my brothers were on the payroll because of the contribution they made and they were there before I was there.

Senator MUNDT. I was trying to clear the record, whether there were any instances of nepotism from your examination of the books. That is all.

The CHAIRMAN. All right, thank you very much.

Proceed with the interrogation of Mr. Reuther.

Senator MUNDT. Mr. Reuther, I have just one question on this flower fund. All I know about that I learned today in the committee room, because this particular part of interrogatory occurred on a day when I was absent from the committee.

You have told us it is voluntary. What I am curious about is whether or not this flower fund is something which is collected from the payroll members of the union or is it collected from union members generally?

As I got the colloquy and as I listened to the testimony, I gathered it was primarily collected from the people who hold some kind of union office. I just want to get it straight in the record.

Mr. REUTHER. I think you need to keep in mind there are a number of funds. It is not only one place. There are local flower funds. Local union fellows kick into the funds they use in their local. There are regional flower funds. There are International flower funds.

In each case they are voluntary. In each case the money is contributed to a committee that handles these things and bills are paid and records are kept and the thing is handled on a basis of financing the internal caucus activities of the group that I belong to and other groups have their own caucuses and their own caucus funds.

Senator MUNDT. Am I correct in what you would call my hunch that in each instance it is a fund collected at the local level probably from people holding local offices interested in caucusing and promoting themselves to be reelected? I am not against Senators being reelected and I am not against union officials being reelected, but I am trying to get it clear in the record.

I am not sure from where we left it whether we will inspect the books or not. Is it true that at an international level or regional flower fund it would again be the people who hold offices there? At the international level it would be you and international officers, and these international representatives that you are talking about.

(Members of the select committee present at this point were Senators McClellan, Curtis, Mundt and Goldwater.)

Mr. REUTHER. I think it is essentially correct to say that the bulk of the contributions at the local level come from the local people. That is to meet their activities.

Senator MUNDT. Yes. Local officials——

Mr. REUTHER. There you will find that the base is quite broad and that many, perhaps the majority of the people contributing, are not officeholders at the local level.

In other words, they are part of the local caucus group. At the regional level, of course, the contribution there will be from the people operating at the regional level and at the top level by the people operating there. That is the way it is.

But it is vountary and all international representatives do not contribute and the amount they contribute varies.

Senator MUNDT. Are you familiar with the phrase that I have learned since I have been on this committee called "dobeyman"?

Mr. REUTHER. Would you state that again?

Senator MUNDT. Yes. Are you familiar with a phrase that I have learned since I have been a member of this committee, a phrase by the name of "dobeyman," a fellow who carries a dobey card instead of a union card?

Mr. REUTHER. I have not heard of that expression. Is that a union that has first- and second-class membership or what?

Senator MUNDT. As I understand it, it is this: It is a union that a fellow wants to join but for some reason or other he cannot join, but to get a job he has to pay for what they call a dobey card or something of that kind.

Mr. REUTHER. Our union has never had that kind of practice. In our union, you can become a member only if you work in a plant and if you work in a plant, you become a full-fledged member with the same rights and privileges as every other member.

The only thing is that there are certain constitutional requirements with respect to running for office. You have to belong a year before you are eligible to run for elective office. Every member is entitled to vote. There are no second-class memberships in our union.

Senator MUNDT. And nobody has to pay for a permit to work until he is able to join a union, and then he pays his union dues and qualifies in that way?

Mr. REUTHER. When you go to work in our factories, you become a member of our union and you get the rights and privileges that go with membership.

Senator MUNDT. Do you mean I should learn so fast that I learn about dobey cards before you do and I have only been in this business for 15 months and you have been in for 15 years or longer? You never heard of a dobey card?

Mr. REUTHER. Well, you see, there are a lot of practices in the labor movement that are foreign to our union and I do not know too much about them.

Frankly, I do not want to know too much about them. I want to run a union in which there is good democratic procedure.

Senator MUNDT. This is a matter that is certainly coming to the attention of the committee. I have had several delegations call on me. I have had a lot of correspondence from people who say they are dobeymen but they do not like to be dobeymen. They would like to be a union man.

I would like to know if from your position as a very experienced, old-time labor leader, you feel that this dobey practice is a good practice in union circles.

Mr. REUTHER. I really do not know enough about it to know what it covers. I know that certainly, some of the craft unions have a different problem than we have, because if a worker is in the Chevrolet engine plant, he stays put in that Chevrolet engine plant, but a building-trades man might be working on a building here today and next week on another building, and they keep moving around.

They obviously have different practices. I do not know what this phrase that you use covers, and I do not think it would be very advis-

able for me to try to say I am for it or against it when I really do not know what it is. But in our union, there are no second-class members. That I know.

Senator MUNDT. A fellow who is a second-class member, as I understand it, has no status with the union but he has to pay a permit to work where other people work.

To me, that does not seem to be in keeping with our democratic procedure.

Mr. REUTHER. I am afraid you will have to solicit information in that area from someone more familiar with it than I am.

Senator MUNDT. I simply wanted to find out if you knew. In your discussion, when you were on Face the Nation, when I first saw you, when I first heard you, you said, about Vinson—you were asked a question by one of the newspaper boys how you can justify, since you condemned what Vinson did, how you can justify spending union funds to get him a lawyer and you said, well, after all, he was in there doing union jobs, helping with the strike and got involved in trouble because of the strike and you felt you had an obligation to see him through his legal difficulties.

I cannot quarrel with that one, perhaps, too much. Then you were asked whether or not you paid him or authorized the payment of his full salary during the time he was in the penitentiary. You said yes to that and if I remember what you said correctly, and I did not come fortified like you and Senator Goldwater with all of these transcripts on this program, but if I understood you correctly, you said you justified that because while you felt Vinson was rightfully punished, you did not think his family should be punished.

Is that in substance what you said?

Mr. REUTHER. I said that the local union, at whose request he had gone to Sheboygan, asked the international if we would assume 50 percent of a weekly contribution to his family which I think approximated essentially what he would have earned in the factory, and that is what we did.

We paid him half of it and the local paid him half.

Senator MUNDT. I would not want to see his family suffer and I am not quarreling too much with that, although it brings me to this question:

In your crusade to stamp out violence in strike problems, do you not feel that when the striker or the fellow who moves in to help a striker from outside, knows that if he gets into trouble, No. 1, the union is going to take care of his legal difficulties and, No. 2, the union is going to support his family as well as if he had not gotten into trouble, that you tend to make it a little bit easier for him to get into trouble, than if he felt he was running some risk to his family and himself?

Mr. REUTHER. We went over that matter the other day.

Senator MUNDT. Not while I was here.

Mr. REUTHER. At that time I said that I think we all learn from these kinds of experiences. And I think it would not be truthful for me to say that our union has not learned.

I think we are going to profit by some of the things that I think happened there. I certainly think when local people go in there ought to be clearly understood what circumstances they are going into and how they are obligated to conduct themselves.

I think the international union has to find some way within the democratic structure of our union, and we want to keep it that way. We do not want to take away the autonomy of local unions, but I think we ought to find some way to avoid what the episode there reflects.

I think that was a sad and most unfortunate thing and I said before I think he did the union a great disservice in what he did.

Senator MUNDT. Is that a long, circuitous method of saying yes?

Mr. REUTHER. I said yes the other day.

Senator MUNDT. I was not here when you discussed it.

Mr. REUTHER. I think Senator Goldwater raised the same question and I said yes to it.

Senator MUNDT. It seems while I recognize the consideration that should go to a man's family, I also recognize in general that this could tend to encourage fellows to be reckless on strike lines, which economic necessities would cause them to guard against.

Mr. REUTHER. Senator Goldwater—I mean Senator Mundt—I am getting tired now—I think that this policy of the company, publicizing any property damage, that they will take care of the cost of it, I think that was a bad thing.

I think that this company, and I don't say deliberately——

Senator MUNDT. Don't you really feel that a fellow who is simply not out of his job, not because he wants to strike, but is not out of a job, but who has gone back to work, and they have gone back to work, most of these fellows, and somebody blows up his truck or knocks out his window, don't you think it is perfectly legitimate for a company to pay his costs?

Mr. REUTHER. I think that is in the same category of what motivated us to help Mr. Vinson's family. What bothered me was if you said, "Any damage done during the strike we will pay for it," and a fellow had a cracked window pane in a great big 4 by 6 picture window, a little crack in the corner, he would never replace it because it would cost too much. All he has to do is heave a brick through it and the company would pay for a new one. I think that is there. You can't run away from it.

I think if you would get to the bottom of the vandalism, you would find that is a factor.

Senator MUNDT. Do you know of such cases, Kohler cases?

Mr. REUTHER. You suggested, and I think with some merit, that when a person like Vinson goes into a situation, that the union, if it said, "Look, if you stick your neck out and do things that are way out of line, we may not take care of your bills," that that would tend to discourage it, and I think that there is some merit in that.

I say that the other side of the coin is that if the company says that any windows smashed in a strike of a nonstriker, "We will pay," I am not sure—I don't say that I know this, because I don't—I am not sure that a fellow who has a little crack in the pane of a picture window couldn't feel that maybe an easy way to get a new one was to just make a big hole through the middle of it and the Kohler Co. would pay for it.

This is the other side of the coin when you are dealing with people.

Senator MUNDT. We are dealing with something that did happen in one case and could happen in the other.

Mr. REUTHER. But there was a hoax where a fellow did this very thing and got a medical bill paid, and then later on it was proven to

be a hoax. This is in the record, in the Labor Board record. So it did happen.

Senator MUNDT. I wouldn't deny that. It may have happened when I wasn't here.

Mr. REUTHER. You weren't here when it happened. It happened in Sheboygan, and it did happen. It is in the record. I am merely saying, Senator Mundt, that as a practical matter, recognizing human frailties, neither the company or the union should pursue a policy that would tend to encourage things that we all disapprove of.

Senator MUNDT. I read the testimony of the poor fellow who had the boats out at a cabin, that cost him about \$1,500 or \$1,600 for the damages. He was not able to prove, and the record doesn't show that this was done by strikers, but he believed it was done by strikers because he had been working.

You don't look to me like the kind of fellow who would say that the company was wrong in reimbursing him for the loss that he had in these boats, from which he made a living taking people out fishing, and so forth.

Mr. REUTHER. I don't know about that.

Senator MUNDT. It seems to me that he is an innocent victim who is suffering from it.

Mr. REUTHER. I don't know. But I think as a matter of being realistic in a sympathetic way about people and what they do, that if the union or the company pursued a policy that would tend to put a financial premium on some of these things, some people might do it to gain that financial advantage.

I say that a fellow could smash his window that had a small crack to get a brandnew one paid for by the company. I don't say it happened. I say that could happen.

Senator MUNDT. All right. I will grant that it could happen. We left the Peoria situation with Mr. Johnson hanging in the air to this extent. Has Mr. Johnson ever publicly repudiated the statements attributed to him that he was going to take over Peoria on behalf of the UAW?

I happened to be in Illinois the day the Peoria paper came out carrying his statement, but he may have been misquoted. He told you that, and if he tells the truth, he was misquoted. I ask if he has ever publicly repudiated the statement.

Mr. REUTHER. I don't know if he has, but I told him, "I think you ought to take steps to see that this false impression is corrected in the minds of the public."

Senator MUNDT. Then you think he should publicly repudiate it if he was misquoted?

Mr. REUTHER. Absolutely. I think if this thing is floating around and it isn't true, it ought to be corrected.

Senator MUNDT. Now I will come to something else. You said a lot of things in this hearing with which I disagree, obviously, but you have said only one thing that I really dislike, and I will call your attention to it. For one reason or another, I have been in this investigating business, and it is hard work.

Mr. REUTHER. It is nasty business.

Senator MUNDT. It is nasty business, but somebody has to do it. But I happen to have been in it longer than any other Member of the

Senate or House, because I started back with Martin Dies in that committee.

It isn't a pleasant business, but I think it can be done properly. You made sort of a shotgun attack a while ago when you said you had never been treated to so much disrespect as had been shown you by the minority members of this committee. That is a kind of blanket charge that earlier you said you didn't believe in.

I ask you now to stipulate specifically concerning the Senator from South Dakota what it is that you resent in being interrogated as I have interrogated you.

Mr. REUTHER. Well, Senator Mundt, I think I am obligated to say to you just as one person to another, I think when I said that I should have made an exception. I personally think you have treated me a little differently than have Senator Goldwater and Senator Curtis.

But maybe I shouldn't even have said it as it relates to them. What has bothered me about this hearing is not that I was the last witness. That really didn't bother me at all. What bothered me was that there was this public campaign about dragging Reuther down here and making him look worse than Hoffa and Beck. These were statements made. People said that when Reuther gets down here, he will make Beck smell like a bed of roses.

The chairman of this committee will recall that when that statement was made publicly in Milwaukee by a deceased member of this committee, I wrote him about that, and I said I thought that that was improper; that if I am guilty of improper activities, then like every other citizen so responsible, I ought to be brought down here and I ought to be held accountable, but I didn't believe it was fair to make these kind of reckless charges.

I tell you, when you say someone, when they are exposed, will make Mr. Beck smell like a bed of roses, you have to be pretty corrupt and pretty bad. It is this kind of thing that has been going on. I can document this thing. I can document this thing that people made their conclusions weeks and weeks and weeks before we came here. That is what I think is unfair.

I apologize to you, because I think that personal respect is an important thing in my life. I apologize. I think it was unfair when I said that the three of you did that. I don't think you did. I think you treated me here fairly. I think that there were times when we were going around the bushes together, doing some fancy footwork, but I think you were fair.

But I don't think it is fair for a member of a congressional investigating committee to draw conclusions publicly 6 months before you begin to investigate someone. That is what I think is unfair.

I love this country and I would do anything in my power to preserve it as it is. But I am worried. I am worried that America will be equal to the challenge in the world of a Communist conspiracy that will stop at nothing. I am worried because we dissipate and we weaken the basic structure in the unity of our country in this kind of a period by unnecessary vilification in the public prints, by unnecessary namecalling.

I don't like to call Senator Goldwater names. I feel sad. I feel as though I am not clean when I do it. But you look at the record, just look at the record, and for every time I have said something nasty about Senator Goldwater, he has trucked it in by the bale.



That doesn't justify it. I plead to you, gentlemen, fight your political battles, stand up in the market place of free ideas in America, and fight for what you believe in. But fight for what you believe in and try to sell it on its merits, and not by trying to characterize the other fellow as disloyal, dangerous, un-American.

This weakens America, and only helps the Communists. If you think my economics are cockeyed, say so. If you think my political philosophy is cockeyed, say so. But prove it is cockeyed based upon its demerits, and not based upon I am more dangerous than the Communists, or I am against the free-enterprise system. This is what is wrong.

I say to you I have unlimited faith in free men. This is a faith not drawn out of academic discussion. I lay in the cellars in Berlin when the Nazis were shooting people in the streets. I saw the Communists in Russia. I worked there. I know something about what it means to have a knock on the door at night with the secret police to take a woman's husband away, and then have breakfast with her the next morning and she has not even asked what happened to him. I lived this.

I have faced the gangsters of the Ford Motor Co. I have taken all the abuse because I believe inherently in the worth and the dignity of each human individual created by God. When we destroy the basic unity of America because we lack the maturity to discuss our respective points of view on their merits in the free market place of ideas, when we have to hide behind nasty words, when we have to challenge the motive and the loyalty of people in order to try to discredit the things they stand for, we are hurting America.

And when you hurt America, you hurt the cause of human freedom in the world. I plead with you, let us wage our political differences. You advocate what you believe in, and I shall advocate what I believe in. If I can't take your arguments apart and show that my point of view is superior, based upon the facts, then I ought to lose and you ought to win the argument, and the same thing should be true in reverse.

I think that this is the great problem of America: Finding a way to demonstrate that democracy is in depth so sufficiently that we can argue the differences without namecalling. This is my plea.

I apologize, Senator Mundt, because I think I was unfair.

Senator MUNDT. I accept your apology. I, like anybody else, have a reputation that I try to sustain, and being on an investigating committee is not easy. Unless you are simply going to throw in the sponge, you are going to have some penetrating questions. That is the purpose of it.

It would be a farce if we eliminated all questions but just questions seeking information from a fellow that he wants to give. But in the years, I have never had such an attack, over the years, except from Communists, and I discounted that.

But I accept the statements that you have just made, and I accept your apology. I think you have set up a good rule, but I think it is a rule that has to work both ways.

Mr. REUTHER. I quite agree.

Senator MUNDT. I think undoubtedly the Senators, Republicans and Democrats, and others in public life, can say something about each other, but I don't think you come in to the courts of public opinion with

entirely clean hands in this question, because I read of myself being called a labor reactionary, and I don't like to be called a reactionary any more than you like to be called a radical. It is just a smear word. What is the offense? The offense is we are investigating the labor situation. We are asking questions, sometimes based on rumor, sometimes based on evidence, sometimes based on hearsay.

But how do you get it? By examination, and by sworn testimony, and when you introduce a bill that you think is going to correct a situation such as this, I think the bill will be attacked on its merits, and the man behind the bill.

So I plead with you to follow your rule, which I think is a good rule for Senators to follow. I think it is a good rule for all Americans to follow, but it has to be followed on both sides of the controversy.

MR. REUTHER. I want a single standard. I think that we ought to both be governed by the single standard of what I call political morality. I ought to challenge your ideas and not you. That is the essential difference.

Senator MUNDT. I agree. As I see it, we have had about five areas of discussion, all of which you brought into this arena in your opening statement. I want to go through them with you as I went through with Mr. Mazey at the conclusion of his, in these areas of discussion.

The first issue was the matter of corruption. Certainly as far as this Senator knows, on the records that we have, there is no evidence before us of corruption insofar as your activities are concerned.

We will not be making a finding on something of which we have no evidence.

On the subject of communism, we agree up to a certain point. We agree that you have taken some effective steps in the area for which you have a direct action responsibility. I don't agree that you have solved the problem in your local union. I don't think it is good enough to say, "Well, we are simply going to let the local unions handle it the way they should, and not set up some kind of criterion, some kind of mechanism, some kind of procedure for doing it."

I don't think that the public review board is fully measuring up to its responsibility if it accepts that as good enough. I think we have to find a way to stamp these Communists out of the local unions, and if they can't do it with their local autonomy, we are going to have to assume some higher union responsibility in that field.

For a while the other day I thought you agreed with me. Then you disappointed me by saying you didn't think it could be done and maintain the union procedure.

MR. REUTHER. The democratic structure, I said.

Senator MUNDT. The democratic structure. But I think the problem is big enough that we have to find a way to do it.

MR. REUTHER. I did say at the international level I was prepared, because I feel that way. I don't think anybody who uses the fifth amendment or these constitutional privileges to hide what they personally have done ought to be in leadership at that level.

(At this point the Chairman left the hearing room.)

MR. REUTHER. But I am concerned about your suggestion of extending the authority of the top leadership so that we can reach down into the local unions when we can't prove a fellow is a Communist,

because I am just worried about eroding the democratic rights of the membership, and I think that this would not be good.

I would need to think this thing through much more carefully than was possible before this hearing.

(At this point, the following members of the committee were present: Senators Goldwater, Curtis, and Mundt.)

Senator MUNDT. I am not sure that my suggestion is the optimum suggestion at all, but I was trying to pinpoint the fact that not solving the problem is not good enough. It is not good enough for the union movement. It isn't good enough for the public, it isn't good enough for the public review board.

You found a way with the fifth amendment fellow through the international representative. We have to find a way to preserve this local autonomy which I certainly concur is highly important in Government and in your organizational structure.

The third area, racketeering, by racketeering I think in terms of Johnny Dio, and employing racketeers in union movements.

There is no evidence that I know of before this committee on that basis as far as your union is concerned.

The next one is democratic procedures. You and I disagree on that a little bit, because while you believe in, and apparently to the best of the information we have before this committee have worked out an effective system of democratic procedures as far as electing your union officials is concerned, I am vitally concerned about the fact that there is developing in this country in unionism, and I think you are a part of it insofar as the AFL-CIO-PAC is concerned, whereby money collected by people who have no other choice but to pay off part of their money devoted to causes and candidates who individually they prefer to oppose.

To me there is something a little bit un-American about that. There is something about this old thing you quoted so often, taxation without representation, in that.

I think a way should be found and could be found so that the union can remain effective in politics, I don't want to deprive them of their political voice, without violating that sacred concept that a man should not be compelled to contribute to something that he does not want to support.

Mr. REUTHIER. May I comment on that a second?

Senator MUNDT. You may.

Mr. REUTHIER. I might say we have not put in the record here, but we have elsewhere, this section of our constitution which we think is a step in that direction.

We think this deals with what we call our citizenship fund. This is the area where we get moneys and we do work on political issues, educational political activities.

Money for this fund might go to COPE to help pay for that pamphlet you talk about.

We take 5 cents out of the monthly dues at the local level and 5 cents at the international level for the citizenship fund.

If a worker feels that he does not want that 10 cents of his dues money spent for these purposes for reasons of his own, he can so indicate and the money will be diverted to the American Heritage Founda-

tion or some other group like that which is devoted to the encouragement of general citizenship responsibilities.

So we have taken the first step in that direction. I understand that some 200 of our members have exercised that privilege and their money is being diverted. We recognize this and we are trying to move in that direction.

Senator MUNDT. I am glad to have that additional bit of testimony. I am glad you recognize the problem.

I think it is something that is ultimately pretty serious in this country, because we should not any time in my opinion deprive a fellow of his right to differ as long as he does it along patriotic lines.

We should not handicap by saying you can go ahead and differ, but we have your dues and we will spend it to defeat you.

Mr. REUTHER. I know your point on that. I understand it.

Senator MUNDT. We have pretty well discussed that. When you say you recognize, as you did this Vinson matter, that there is the danger that I mentioned, you move in the direction that concerns me.

I recognize that violence takes place in strikes. I think some progress has been made. I don't think the record is quite as good in recent years as you indicated in your initial statement.

I think there is evidence that there has been violence and strikes in 1954 and violence and strikes in 1953.

(At this point, Senator McClellan entered the hearing room.)

Senator MUNDT. We have noted those instances before. I don't know who starts and is responsible for it, but violence is still a part of the striking mechanism in this country.

I think you should work with Congress and Congress should work with union leaders to find the necessary legislative steps, if that is what is necessary to eliminate that violence. It will never permanently settle anything.

Mr. REUTHER. Senator, you and I got pretty close the other day on that.

Senator MUNDT. Pretty close?

Mr. REUTHER. You look at the record. There is an approach, I think, that could be made here that might possibly minimize and eliminate the greatest source of violence—never eliminate it completely because human being will always be frail—I think the thing we talked about the other day, and I thought we were pretty close together in our general point of view, might be the source.

This is the question that the contest should be between the company and the workers and that the outsiders on both sides should be kept out of it so that the contest can be really a contest between who can get the workers in to sell their labor power or who can persuade them to withhold it.

I think that would eliminate ninety-some percent of the violence in labor disputes in America.

Senator MUNDT. I agree, and you have summarized my feeling on that point in your words, but I will adopt them. I think that is right.

Mr. REUTHER. Thank you.

Senator MUNDT. You have to do that on both sides; that is, this bringing in of outsiders. You don't call them agitators but they become agitators on both sides when they get there.

If you let the local people who know each other work it out, I am convinced a lot of the violence will be eliminated. Whether that has to be done by law or self-restraint, it is an objective to which we should move.

On the Kohler strike I did not ask you many questions because I was convinced when we started we would not settle the strike here.

I am convinced it is a strike in which there has been error on both sides. It is an unfortunate thing. I have no comment because I think the Kohler strike is just where it was when we began the investigation.

It was a vehicle through which we could explore these other matters such as violence, such as democratic procedures, such as the testimony which you helpfully and conveniently opened up by your initial statement.

Thank you.

Mr. REUTHIER. Senator Mundt, just one word and I am going to be through as far as I am concerned, unless there are further questions.

I think if the Kohler strike—I think it has been a very tragic and unhappy one. No one certainly feels good about it.

If the company really had been willing to test its position within the framework of the 3,400 workers who were on the payroll when the strike started, whether they could attract enough of those fellows back on the conditions that they were offering, or failing that, then a better offer should have been made to get them in. If they had done that and if they had not tried to hire strikebreakers to displace these workers, this strike would have been settled a long time ago.

This is where we get in trouble.

Senator MUNDT. I could buy that conclusion provided you would buy the one that I think would have to precede it, and that is to give each member of that 3,300 labor pool a right to vote by ballot in secret through the mail whether he wants to strike or not.

Mr. REUTHIER. That is one of the details that need to be worked out as a part of this overall approach we are talking about.

Senator MUNDT. Then you would have a definite clearcut majority vote objectively counted and certainly the result of that vote should be mandatory on both sides.

Mr. REUTHIER. I would be perfectly willing to facilitate the maximum participation of all workers involved.

The mechanics I talked about the other day, whether mailing or doing it so everyone can vote, this is a mechanical problem. The principle, I agree with.

All the workers then would be able to say we want to withhold or we want to give our labor power. Then you could settle it on that basis.

Senator MUNDT. I have a bill that would do precisely that which I assure you is not antilabor. It is offered conscientiously trying to provide that kind of mechanism. It may be full of flaws. When you come to testify before Senator Kennedy's committee on that bill and others, if you don't like it, I hope you will come up with some other mechanism that will bring in the full voice of the full labor body secretly voting counted objectively.

The CHAIRMAN. Any other questions?

The Chair hears none.

I trust that if I forego further interrogation of the witness that my action will not be interpreted as a lack of interest or neglect of duty.

Under the circumstances, I think any question I might ask would be a repetition, and I believe that we have exacted in this hearing the full amount of substance that was available or possible for us to get.

Therefore, the Chair will not ask any questions and will announce that on Monday morning at 11 o'clock the committee will resume and we will proceed with Perfect Circle strike.

We will meet in room 357.

The committee stands adjourned until that time.

(Whereupon, at 6:15 p. m., the committee recessed to reconvene at 11 a. m., Monday, March 31, 1958.)

(Members of the committee present at the taking of the recess were: Senators McClellan, Goldwater, Mundt, and Curtis.)

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